



The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m., on Thursday the 15th day of March 1923, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No. 15—*

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Muhammadian representation in the Revenue Department in Ganjam.

884 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB : Will the hon. the Member for Revenue be pleased to state the number of Muhammadans employed in the Revenue Department as deputy collectors, tahsildars and sub-magistrates in the district of Ganjam in 1922 and 1923 ?

A.—The hon. Member is referred to the Quarterly Civil Lists and the District Revenue Establishment List for 1922 and the Annual Civil List for 1923 which have been placed in the Legislative Council Library. The District Revenue Establishment List for 1923 will be available only on or after 1st June 1923.

Translation into vernaculars of Government Order revising darkhast rules and G.O. No. 1396, Revenue, dated 31st July 1922.

885 Q.—Rao Bahadur M. C. RAJA : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government Order revising darkhast rules and G.O. No. 1396, Revenue, dated 31st July 1922, have been communicated to the Publicity Officer ; and

(b) whether the Publicity Officer has translated them into the vernaculars and published them broadcast among his correspondents in rural areas ?

A.—(a) Yes. .

(b) No.

Tree-tax on waste and occupied poramboke lands.

886 Q.—Rao Bahadur M. C. RAJA : Will the hon. the Member for Revenue be pleased—

(i) to state whether it is the intention of Government to give half concession rates in respect of the newly revised tree-tax on waste and unoccupied lands, if the owners happen to be depressed class pattadars ; and

(ii) to lay on the table all the Government Orders regarding the tree licence system on poramboke lands ?

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A.—(i) No.

(ii) The hon. Member's attention is invited to G.Os. No. 1732, Revenue, dated 11th June 1912 and No. 2326, Revenue, dated 18th June 1918, which were placed on Editors' Table and to the Press Communiqué, dated 20th March 1916.

Exemption from water-rate and assessment in respect of waste land.

887 Q.—Rao Bahadur M. C. RAJA: Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(i) the number of depressed class pattadars in Nellore and Kistna districts that enjoy the benefit of exemption from water-rate and assessment in respect of waste lands assigned to them; and

(ii) why this concession has not been extended to the assignees of waste lands among the depressed classes, in southern districts like Chingleput, South Arcot, Tanjore and Trichinopoly?

A.—(i) The Government have no information.

(ii) The concession is a temporary one and the Government saw no reason to extend it to other districts in the Presidency.

Rewards to officers in the Police department.

888 Q.—Rao Bahadur M. C. RAJA: Will the hon. the Member for Finance, the hon. the Member for Revenue and the hon. the Law Member be pleased—

(a) to state the names of gentlemen in the Police department to whom jaghirs or land revenue assessments have been given by Government during the last four years in addition to their respective pensions or salaries;

(b) to lay on the table the connected correspondence on this subject; and

(c) to state whether it is the intention of the Government to extend this sort of reward to such of the officials or non-officials who have rendered meritorious service on behalf of (1) the depressed classes and (2) Government in fighting non-co-operation?

A.—(a) Assignments of revenue have been made in favour of—

(1) M.R.Ry. Diwan Bahadur P. Parankusam Nayudu Garu.

(2) M.R.Ry. Diwan Bahadur S. Bhavanandam Pillai Avargal.

(3) Khan Bahadur Muhammad Abdul Karim Sahib Faruqi.

(b) The correspondence on the subject cannot be laid on the table.

(c) The Government have no such intention at present.

Communal representation among Inspectors of Co-operative Societies.

889 Q.—Rao Bahadur M. C. RAJA: With reference to Government's reply to question No. 605 (b) at the meeting of the Council on 12th October 1921, regarding Muhammadan Inspectors in the Co-operative department, will the hon. the Minister for Development be pleased to state what special steps the Government have taken till now or intend taking hereafter for encouraging or entertaining at least three Adi-Dravidas and three Muhammadans as Inspectors of Co-operative Societies in each of the districts of this Presidency?

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A.—In the reply to question No. 605 (b) at the meeting of the Council on 12th October 1921, the Government did not promise any special steps. The Government's attitude was defined in the last sentence under clause (b) of the answer to that question. No question was then asked as regards Adi-Dravida inspectors.

The Government have no information as to the number of applications received for such appointments from qualified Muhammadans or Adi-Dravidas but will obtain the information.

Touring expenses of Ministers and Members of Council.

890 Q.—Rao Bahadur M. C. RAJA : With reference to the answer given to question No. 257 on the 15th September 1922, regarding touring expense of His Excellency the Governor and the Members of the Government, will the hon. the Member for Finance be pleased—

(a) to state what portion out of the total charges of touring expenses given in that answer for each Minister and Member of Council was actually drawn by each of them for expenses incurred by each, and what portion thereof was the money credited to the Railways by way of adjustment or otherwise ; and

(b) to give the amounts of expenditure under the above classification for the period from 31st March 1922 to 31st December 1922 ?

A.—The Accountant-General has been asked to furnish the information asked for,

MR. A. RANGANATHA MUDALIYAR :—“ May I ask, Sir, as to whom the information will be furnished ? May I suggest, Sir, that it should be laid on the table of the House ? ”

The hon. Sir CHARLES TODHUNTER :—“ I have no objection to laying the information on the table of the House.”

II

MOTIONS ON THE BUDGET FOR 1923-24

DEMAND X—GENERAL ADMINISTRATION—EXECUTIVE COUNCIL.

The hon. Sir CHARLES TODHUNTER :—“ Mr. President, I beg to move—

That the Government be granted a sum not exceeding 15.51 lakhs under Demand X. General Administration—Secretariats, etc.

Sir, the House will observe that I am asking for a sum which is less by Rs. 33,000 than the amount set down on the agenda. The reason for this is that I am following the example of the hon. the Finance Member of the Government of India in dealing with the reductions recommended by the Incheape Committee. In the present instance, since the Budget was printed, it has been decided to amend it with reference to the salary of the hon. the Ministers who have offered to accept a reduction in their salaries each by Rs. 1,000 a month with effect from the 1st April next. The Council accepted this reduction with acclamation the other day when I announced it in the course of my Budget speech. The salary for March being paid in April, this reduction will not appear in the accounts until the month of May and that is why the reduction for next year is only Rs. 33,000. I therefore propose to reduce the amount shown under Ministers from Rs. 1,92,000 to Rs. 1,59,000, and consequently the total amount of the Demand that I move is 15.51 lakhs.”

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MOTION No. 93.

MR. A. RANGANATHA MUDALIYAR :—“ Sir, I beg to move—”

To reduce the allotment of Rs. 3,120 for peons by Rs. 780.

Sir, as is well known to hon. Members of this House, the Government are very active in effecting retrenchment and from more than one quarter we have heard that retrenchment very often affects the peons, menials, etc. I should like to know whether the departmental heads do not think that any retrenchment is possible immediately around them. I find there are six peons attached to each of the Council Members, two chobdars and four peons. I wish to know whether they cannot do away at least with one of them.”

The hon. Sir CHARLES TODHUNTER :—“ Sir, I am surprised to find a motion for retrenchment being made exactly on the lines of the action which the Government is so often and so unjustly accused of taking. However, I am only too glad to reply to the hon. Member, who asks whether we cannot reduce the number of our personal peons. My reply is we have already done so and the figure now shown is one less than what we used to employ.”

MR. A. RANGANATHA MUDALIYAR :—“ Was it seven before ? ”

The hon. Sir CHARLES TODHUNTER :—“ Yes, Sir, we had seven peons before and now we have six.”

MR. A. RANGANATHA MUDALIYAR :—“ Even six seem to be too many and I hope that next year they will be reduced to five.”

The motion was by leave withdrawn.

MOTION No. 94.

MR. S. MUTTUMANIKKACHARI :—“ Sir, I beg to move—”

To omit the allotment of Rs. 1,800 for temporary steno-typists.

Sir, my object in making this motion is to elicit information regarding the additional work that necessitates the employment of steno-typists. I wish to know why such a large sum of Rs. 1,800 should be spent on temporary steno-typists.”

MR. A. RANGANATHA MUDALIYAR :—“ Sir, even admitting that the hon. the Finance Member needs two steno-typists, the total number should be only five. On the other hand, with this temporary steno-typist, the number comes to six. I therefore wish to know the necessity for this temporary steno-typist.”

The hon. Sir CHARLES TODHUNTER :—“ Sir, as there are five motions on the agenda all dealing with the same question of steno-typists to Members and Ministers, it will be for the convenience of the House if I deal with them all together. It is perhaps hardly necessary for me to say that these steno-typists are the personal clerks of hon. Members and Ministers. Hon. Members of this House will remember that when a Committee presided over by Sir Llewellyn Smith was appointed to revise the arrangements in the Government of India Secretariat, they recommended that each Member of the Government should be given a junior civilian as his Personal Assistant. We have not reached that stage of luxury, but each of us is satisfied with a personal clerk who takes down notes to dictation and makes himself useful in picking up references, looking up sections of Acts, working out calculations and in numerous other ways that save us a deal of time.

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“Now, the question is asked, in the first place, why we should have so many as five permanent stenotypists. Of these one works under His Excellency the Governor and that accounts for the five men set down against the Members of Council. Then, as regards the temporary men, one of my hon. colleagues, the Ministers, has had recently great pressure of legislative work and so employed a second man to help him. The hon. the Law Member is likewise going to have a second man during the coming year. Personally, I am the chief culprit; I took on a second man last year and I have not yet been able to dispense with him. As a matter of fact, I have two men constantly attending on me from 8 o'clock in the morning to 8 o'clock in the evening and they attend to their duties in shifts. If I can dispense with them, I shall be only too thankful to do so; but I find very great difficulty in dispensing with them so long as the pressure of work is what it is. That accounts for the five permanent men and three temporary men. From April of the next year, the third temporary man is going to be dispensed with and thus there will be a small reduction in that item. I propose to incorporate the reduction in the Budget before it is finally printed.”

The motion was by leave withdrawn.

MOTION No. 95.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Sir, I beg to move—

To reduce the allotment of Rs. 30,000 for travelling allowance of Executive Council Members by Rs. 100.

Sir, it will be clear from the nature of the motion that I make that I wish to impress upon the attention of the House the desirability of a good example being set by the higher officials in the matter of retrenchment, so far as the allowances are concerned. It will be within the recollection of this House that various motions have been made from time to time asking for retrenchment in the matter of travelling allowances with the result that orders were issued last year curtailing the amount of allowances by several lakhs. What I wish to ask is whether when those instructions were issued, steps were taken to ascertain whether it was not possible to effect retrenchment in the matter of travelling allowances of the Members of the Executive Council. I will not be so unfair as to suggest that anything which would affect the dignity or status of the hon. Members of the Executive Council should be done. But still there are complaints in some cases that at least some of these tours are not quite necessary. At this stage, I do not wish to enter into an elaborate discussion as to whether a particular tour was or was not necessary and whether it was conducive to the public interest or not. But I wish to raise on this occasion the question as to whether all the tours were absolutely necessary and whether there was any justification for the incurring of such a large amount of expenditure under this head. I am glad, Sir, that yesterday, by a vote of this House, a fine example was set by hon. Members in the matter of travelling allowances. It will be remembered that when the Government order was issued curtailing the allowances, several officers both in the higher and in the lower grade were prejudicially affected. I will take the example of the Revenue Divisional officers. When the pay is fixed as the criterion for drawing allowances, we find that persons doing exactly the same duties are obliged to draw second class. There have been very loud complaints against this invidious distinction. I have also got similar complaints from the lower grade officers. When in the interest of economy and retrenchment

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we have followed the example of reducing the allowances, is it too much to ask that the same example should be set by the Members of the Executive Council themselves? As to how the details are to be worked out, I will entrust that task to the Members themselves. What I wish to impress upon the House is that the hon. Members of the Executive Council should take it into their heads to follow the fine example set by the members of the Legislative Council and should devise means whereby the heavy allotment under travelling allowances can be reduced."

The hon. Sir CHARLES TODHUNTER :—" Mr. President, I may assure the hon. Member that this appeal will not fall on deaf ears. So far as touring goes, I can say for myself that I never take a saloon if I am going on a journey on which a compartment will serve and I am sure I may say the same for other hon. Members. Take for instance the expenditure on journeys to Simla and back. A very large amount of expenditure would have to be incurred if saloons had been taken on every occasion on which Members of Council have had to go there, and I may say that no saloons were taken by Members of Council on journeys of that sort made last year.

"As regards the necessity or otherwise of tours, I think hon. Members must leave that question to the Members and Ministers concerned to decide. I would remind the House that it has been especially pressed upon us by the Joint Committee, the Reforms Report, etc., that we are required to be more vocal and to go about to explain policy and to take quite a different line of action to what was taken before the Reforms. But subject to that, I am sure, if anything can be done to reduce expense, it will be done."

The motion was by leave withdrawn.

MOTION No. 96.

MR. C. V. VENKATARAMANA AYYANGAR :—" Mr. President, I move—

To reduce the allotment of Rs. 66,000 for Executive Council by Rs. 1,000.

My first object in moving this is, as is well known and as was done last year also by me on a similar motion, to ask for the correspondence on the subject of the reduction of the Executive Council Members. In answer to a question put by my friend Mr. T. A. Ramalinga Chettiyar a few days ago we were told that the correspondence was still going on. I may tell the House that this correspondence began before the last budget. There is a large number of steno-typists here and surely there cannot be any delay here; the delay may be with the Governor-General or the Secretary of State. If so, if our Government recommend them to have still more steno-typists, perhaps the delay can be avoided. My idea is this: I want to know whether the Government cannot, on the eve of the new elections, tell us something without binding them in any way, as to the effect of this correspondence, or at least what the likelihood of the result of this correspondence is going to be.

"Secondly, Sir, I want to know if there is any chance of the example set by our Ministers in the reduction of their pay, being followed—voluntarily of course—by any of the Members of the Executive Council. At the time of the general discussion of the budget, an appeal was made, at least so far as the Indian Members were concerned, as to whether they would be willing to make a reduction. I simply want to know if they are still thinking about it, or, if any conclusion has been arrived at, whether it cannot be communicated to us.

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“The other point is as regards travelling allowances. The information that I want is this. I want to know how the round figure of Rs. 30,000 has been arrived at as the revised estimate of travelling allowance. I know there are a few days more for the year to close, but I want to know whether the Rs. 30,000 is offered as the special charge for saloons, or whether it means anything else. It is very gratifying to us to learn that Members of the Executive Council are generally travelling in first-class compartments and that is a very good example to be followed up by the hon. the Ministers also, because, so far as we know, the Ministers have not been very strict in being economical in regard to that. We certainly do not grudge the movements of some of these hon. gentlemen, but certainly we want them to be as economical as possible in that respect. We do not grudge their engaging saloons in extraordinary cases, but in these democratic days when some of them also represent democratic parties, I think it is better to have a rule made once for all that first-class compartments will do for them. It is only for the purpose of eliciting that information that I tabled this motion. I think we are under the impression that the Ministers are travelling more than the Executive Council Members”

The hon. the PRESIDENT :—“I wanted to call the hon. Member to order even before. Everything the hon. Member has so far said about the Ministers is quite out of order. At present the House is dealing with the question of the reduction of the allotment for Executive Councillors and if the hon. Member wants to say anything about the Ministers, he must wait till we come to that.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I was simply saying, Sir, that the Ministers would follow the example set by the Executive Council Members in this matter. Although the Executive Council is larger by one Member, and in spite of the fact that we have been hearing that the Ministers are travelling more than the Executive Council Members, when an allotment of only Rs. 20,000 is shown as the travelling allowance of the Ministers, there is no reason why Rs. 30,000 should be put down as the travelling allowance of the Executive Councillors. But, as I say, the reduction will only be very small on that score. Therefore, so far as the travelling allowance goes, it is better that some more definite statement about the use of first-class carriages rather than of saloons is made, than what has been said by the hon. the Leader of the House that he has been personally using the first-class carriages and that another Member is cheerfully following that example. It is better that some rule is made—which may of course be broken under extraordinary circumstances—that they will under ordinary circumstances travel only in the first class.”

The hon. Sir CHARLES TODHUNTER :—“Mr. President, I do not know in the first instance whether I shall be in order in replying to what the hon. Member was saying about the number of the Executive Councillors. I have your ruling here, Sir, of last year. You said : ‘The motion is to reduce the total grant of Rs. 3,22,000 by Re. 1 on the ground that the number of Executive Councillors is excessive and that their pay is too high. That is out of order.’”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I may say, Sir, that this question was discussed by me last year under a motion for reducing the number of stenotypists, but I then said that the object of that motion was to know if a reduction could not be made in the number of Executive Council

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Members. I was, Sir, allowed to go on with that question, and I then said that it was never my object to reduce the number of steno-typists, but that I wanted a reduction only in the number of the Executive Councillors. Therefore, Sir, under whatever head it might be, the matter was discussed and information given last time."

The hon. the PRESIDENT :—"The hon. Member wants to have information on the point, and if the hon. the Finance Member thinks that he cannot give it, it is perfectly open to him not to give it."

The hon. Sir CHARLES TODHUNTER :—"Sir, if I am in order, I have no objection to replying and in so doing I should like to say this that, I do not quite understand why this appeal to self-sacrifice or patriotism should be made to one profession alone. Hon. Members are never tired of insisting that they want the best men that they can get for the service of this country, and the process when I entered service was to get 400 or 500 of the pick of the public schools in England and send them to the stiffest competitive examination that then existed and take ten per cent or so of the successful men and bind them to the service of this country. Many of the unsuccessful men, that is, those who failed in the examination, are now leaders in various professions, law, medicine and commerce. No one, so far as I am aware, appeals to them to sacrifice their income on the altar of patriotism, and I do not quite understand why that appeal should be made only to the ten per cent who succeeded. Let us suppose that you did apply it to some of the professions. Suppose you engaged a leader of the bar by agreeing to pay him Rs. 50,000 to defend a Government suit and he did so with success. Would you then go to him and say, we are hard up for money, we know we agreed to pay you Rs. 50,000, but we ask you to be patriotic and take Rs. 40,000? What would be the reception given to such a request? As a matter of fact, the appeal to patriotism is made to all professions alike in a much more persuasive way by the collector of income-tax, but that method of appeal is applied also to the members of the Government services. Perhaps I might say it applies with more force in their case, because everybody knows that they earn and they are unable to evade it if they would. Why then, when they are making the same sacrifice on the altar of patriotism as everybody else, should they be asked to make a sacrifice out of their salaries in addition. I should like to add, Sir, that whatever may be said about the highest paid service in the world, there is the actual fact, which any one who has examined the family budgets can understand, that in many cases the salaries are quite inadequate to enable them to bring up their families and to send their children to their home country. I need not, however, press that point here, since the whole question of mending or ending the services will be dealt with shortly by the Royal Commission. In the meanwhile, I would suggest that the appeal to patriotism should be addressed to all professions alike.

"As regards the question how we are able to arrive at an exact figure of Rs. 30,000 in regard to the touring of Members of the Executive Council, I would ask leave to remind the Council of what is apt to be forgotten, viz., that the Budget Estimate is only an estimate, and so is the Revised Estimate. We have the actual figures for 1921-22, that is, for Members of the Executive Council Rs. 32,494, and for Ministers Rs. 34,946. Those are the only actual figures we have and naturally we put our estimates in round figures.

"Lastly, Sir, as regards saloons, while I shall not forget what the hon. Member has said I would add that my hon. colleague, Mr. Knapp, has just

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given me a shock by telling me that the cost of saloons is actually less than the cost of first class compartments, because in the case of the saloon you have to pay the hauling charge only, while in the case of a first class compartment you have to pay for a certain number of tickets. So that, as a matter of fact, our endeavours to economise in that direction would appear to have involved the Council in increased expenditure."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I have tabled a motion—

To reduce the allotment of Rs. 66,000 for Executive Council by Rs. 100

in order to elicit information as to the fate of the resolution of this Council recommending a reduction in the number of Executive Councillors. In another province a similar motion was carried and given effect to within a few months, but in this province, it is a long time since a resolution was carried and I think it had the support of the Government also behind it. We do not know who is responsible for the delay. I put a question with reference to that and the answer came only day before yesterday, but that answer did not make things any more understandable than before. Under these circumstances, I wanted to ask the Government to say definitely whether the matter had been sent up, if it was not against official discipline to divulge it, and what the reason was for the long delay in the disposal of this matter. The hon. the Finance Member took objection on the ground that he was not bound to reply to a question like that. Well, Sir, this subject is arguable in the way that has been suggested, for instance, by saying that one of the stenotypists under this head is unnecessary, or by saying that the movements of the Executive Councillors should be reduced. So, I do not think that even a discussion like this can be avoided. It only remains to the Government to consider whether they are going to take the people into their confidence, or to leave things alone. It is a real grievance that the number of the Cabinet is too large and can very well be reduced. It is of course left to the Government to take any attitude that they like. So, Sir with these few words I would request the hon. the Finance Member very earnestly to state whatever he possibly can."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, the hon. the Finance Member who replied to this motion felt some difficulty on the score of a point of order. The whole point is that it has been ruled in this House by you, Sir, that in regard to non-votable items, we have certainly no power to subject them to the vote of this Council. But when there are votable and non-votable items, it is within our competence to reduce the votable items in order to compel my hon. friend the Finance Member to give us a reply as to how a particular matter stands. So what is proposed to be done in this case is to reduce the votable items under Executive Councillors by Rs. 1,000, and if the hon. Member is not willing to tell us in what state this question of the reduction in the number of Executive Councillors is, I think, we shall be perfectly within our rights to cut down, as is proposed to be done in this motion, the votable items. The result of it will be my hon. friend will not have the services of a steno-typist and he will have to do all his work without the help of stenographers whose pay can be cut down. I say all these by way of preliminary observations.

"My hon. friend made several observations of a very interesting nature in regard to the public services. I only wish to say that in view of the announcement about the Royal Commission on

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Public Services, I think this Council should take the only sound line that they ought to in regard to the pay of the All-India Services and the Provincial Services. Sir, it has been felt for a good long time that the pay of these All-India Services is far too much above the capabilities of this country. I am not at all now arguing what the pay of Imperial Services or the Indian Services ought to be. I trust that the only line we should take should be as to whether any of the services now performed by the All-India Services cannot be transferred to the Provincial Services in order to reduce the great strain upon the finances of this country and I trust that the Government of this Province will endeavour to reduce this strain in the way in which it ought to, viz., by provincialising as far as possible, consistently with the efficiency of our administration, those services which are now being performed by the All-India Services. Sir, there is absolutely no doubt that the pay of the All-India Services is a great strain upon our resources and now that there is an application for increased pensions and increased allowances, whatever may be the reasons for it, it seems to me that the whole question of the services, which is now looming so large that one is sometimes inclined to think that there can be no salvation for the country at any time, should be viewed from the standpoint of the financial capabilities of each of these Provincial Governments. Therefore, I am glad that my hon. friend has opened this subject under this motion, and I take the earliest opportunity of placing these views before him in view, as I said, of the approaching visit of the Royal Commission on Public Services. I trust that my hon. friend will take the opportunity of discussing with this Council all his proposals in regard to this matter, and the whole thing will be viewed from the broadest standpoint of economy and efficiency."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, I did not want to intervene in this debate until after the hon. the Finance Member had spoken. The points of view that he has given expression to compel us to take a somewhat wider survey of the question now before the House than what the motion necessitated. As I mentioned on another occasion in this House, I refuse to accept the position taken up by the hon. the Finance Member, and I insist on it, that gentlemen in the position of the hon. the Finance Member should be treated on a somewhat different standpoint from some of his hon. colleagues. I have also given on that occasion some reasons, which appeared to me to be sound, and I think the House also considered them sound, why it is that gentlemen who take the trouble of going out to a far-off country for the purpose of carrying out the administration of that country, should be placed on terms much more favourable than those offered to one whose interest is something more than merely pecuniary, viz., the service of the country. It was therefore that I suggested that the system of overseas allowances might be adopted, in which case the necessities of the situation would have been met, and the gentlemen, who had been picked out of a large number for the purpose of giving their efficient services to the country—it will be their country of adoption during the time they chose to live there—would have been properly rewarded. But my hon. friend, by way of illustrating his position, made a reference to another consideration, and to that I have now to direct my reply.

"He said that an appeal to patriotism was made to men like him or persons similarly situated to him, and that such an appeal was not made to the members of the other professions. Both on questions of fact and on questions of principle, it seems to me, Sir, that his reference to the other professions is

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altogether uncalled for. I may say, Sir, from such experience as I have had of Government engagements so far as the profession of the Law is concerned, that the Government is not a much better paymaster than any other ordinary client. As a matter of fact, members who have to appear for the Government, in the legal profession at any rate, are paid much less than for similar work done for private clients. Therefore, so far as the members of the legal profession are concerned, they have been much more patriotic than my hon. friend will give them credit for. But that is not the ground on which I wish to oppose the view he has taken. He has told us that an appeal should be made to the other professions. I do not think, Sir, so far as Commerce is concerned you are going to have a net work of protective tariff so that, so far as Government is concerned, prices must be lower than for ordinary persons. Those who are engaged in the trades and other avocations will be guided by the ordinary rules of supply and demand, and not by any charges being lowered simply because the Government is in the bargain. It will be found that in the case of the members of the legal profession they have to do work for private individuals, and they are not paid from the taxpayer's money. It is a question whether a particular person is willing to pay according to the terms that are given to him. In that case there is really no place for any appeal to patriotism or other instincts. Therefore, I submit, Sir, that although my hon. friend has succeeded in drawing a red-herring across the line, this is not a matter which concerns the particular question now before the House.

“The question remains still before the House, and I do not think that on that point there will be any difference of opinion as to whether it is not a case that for the services that are being rendered to the country by gentlemen very eminently placed, fully qualified for the work and thoroughly deserving our gratitude, we are not paying a little too heavily, and whether for equal services it is not possible for us to pay a lesser amount. As my hon. friend, the Leader of the Opposition, has pointed out, that is the legitimate question to be considered by the Commission that is now coming. I would not therefore enlarge upon their functions. It is a question for all parties in this House, and all sections of the services should lend a helping hand to devise means by which the total expenditure of the services can be reduced. I know that in doing this some hon. Members at any rate, and some members of the services, have to make some self-sacrifice. Perhaps they may have this consolation that such an act of self-sacrifice will not immediately affect them, but will affect others who will have sufficient notice of self-sacrificing to be done before the shears are applied.”

MR. C. V. VENKATARAMANA AYYANGAR :—“Sir, I wish to say a few words. Even if it may be presumptuous on my part, I wish to congratulate the Leader of the House that though he failed in his attempt to get a ruling on the question, he has very ably followed the advice given by the Chair. Though he might have answered the point regarding the reduction of the Members of the Executive Council which was pressed by my hon. friend, Mr. Ramalinga Chettiyar, and myself, discreet silence has been observed. The most important point and the most legitimate point in regard to which we want to have more information is why this correspondence has been going on for nearly two years. We are probably in a worse position than when we began. The hon. the Finance Member has not given a proper answer even to the second point that I raised. I think my request is relevant to the appeal made in this House, during the general discussion of the budget, to

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the two Indian Members of the Executive Council as to whether they would be willing or gracious enough to make any reductions in their salaries. I am far from saying that their services are not valuable. I may say, Sir, that they are more valuable than the pay they are getting now. Their getting the present pay is itself a very large self-sacrifice and if they forego a little of their salary, it will be a small addition to their self-sacrifice (Laughter). The hon. Sir Charles Todhunter, as human beings, has put forth his own grievance, and those of his own class, that his pay is not adequate for the costly education he has to give his children in England. But my appeal was made to the Indian Members of the Executive Council. I would appeal to him once more to give me a reply."

The motion was, by leave, withdrawn.

MR. R. SRINIVASA AYYANGAR :—" Mr. President, Sir, I move—

MOTION No. 97.

To reduce the allotment of Rs. 1,92,000 for Ministers by Rs. 48,000.

I must, at the very outset, express my feeling of gratitude to the hon. Members, Mr. Ramalinga Chettiyar and others, for withdrawing the motions they had tabled for reducing the salary of the Ministers from Rs. 5,333-5-4 to Rs. 3,000. The effect of my motion, if accepted, will leave the Ministers a salary of Rs. 4,000 each. Hon. Members of this House may know that just a fortnight ago, an announcement was made by the Leader of the House—and it was received with applause and acclamation—that the Ministers were willing to forego a small portion of their pay, viz., Rs. 1,000 per mensem. But my motion goes a little further, for its object is that the pay of the Ministers may be brought into line with the pay which the Ministers in three other provinces have agreed to take. Encouraged by the happy announcement made by the hon. the Leader of the House and inspired partly by the noble example set by the Ministers of Bombay, the United Provinces and Bihar and Orissa, I was emboldened to table this motion which, if carried, will not deprive them of a very large portion of their emoluments but leave them at Rs. 4,000 per mensem. The old orthodox argument whereby we are always tempted to judge a man's prestige by the emoluments that he receives can no longer hold water, and I shall make my position quite clear by at once stating that this motion of mine ought not to be viewed in the light of any want of confidence in the Ministers (cheers) but as a practical business motion. I may point out that the Ministers generally command the confidence of the House and claim to command the confidence of the country. A man's prestige cannot be made to depend upon the pay which he receives from the public exchequer; it depends and must depend very largely and essentially upon the services which he renders to the State and on the self-sacrifice he is prepared to make. That is the scale by which we measure a man's patriotism. Oftentimes Ministers are drawn from the classes of great publicists and politicians, and it is high time that when the State claims the services of politicians and publicists, they must be prepared to set an example to the country by being prepared to work for less emoluments and less wages. It is with that object in view I tabled this motion and on no other ground. We have had an example set to us the other day by the Ministers of three provinces so far as the pay is concerned though I am not in a position to judge of the nature and the qualities of the work of the Ministers of the other provinces.

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“But apart from that, let there be uniformity instead of diversity in the matter of pay. After all, if my motion is accepted, the reduction that will be made is a very small sum of Rs. 333 per mensem or, in other words, Rs. 4,000 a year. From my place here in this Council, I think it is my duty, while expressing my indebtedness and thanks to the hon. the Ministers for coming forward with a voluntary reduction of their pay by Rs. 1,000, to make once again my impassioned appeal to them, and to the party in power and other hon. Members of this House to accept my motion.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I am sorry to expect that I will not succeed in the matter of reduction of all this grant. I have never been modest in my enthusiasm for effecting retrenchment. But all of a sudden one morning when I happened to go through the various reductions that have been asked for, I thought it modest enough to ask for the reductions I have proposed, when I found that Members from the other three blocks of this House had given notice of motions for reduction further than myself. It may be that respect for the hon. the Ministers, and what is more loyalty to the party in power, have induced them to observe silence to-day so far as these motions are concerned. On this aspect of the matter, I may say that I can claim to have as much respect, if not more, for the Ministers as any other Member (Hear, hear). The only difference is that I am not bound by any party loyalty with a view to silence my conscience. I know however that there was some discussion among some Members of the party in power in the Cosmopolitan Club about the reduction of the salary of the Ministers to Rs. 3,000, but some of the staunchest and loyal supporters of the party thought that the salary of the Ministers should not be less than Rs. 4,000. I thought, and I do think, that at the present state of our finances Rs. 3,000 per mensem will be enough for an Indian however highly he may be placed. With the only exception of the High Court Judges and our Members who must be shown respect, all the hon. Ministers of this House who are getting more than Rs. 4,000, may reasonably agree to a reduction of their salary to Rs. 4,000.

“Just about this time last year, when we were discussing this question, we were informed that we were not behind other provinces this year. We can just consider what has been done in various other provinces. In some provinces the Ministers have agreed to receive Rs. 4,000; while in Bombay, I believe, in spite of their refusal to accept Rs. 4,000, the House fixed the pay at Rs. 4,000. I know there will be no use in pressing this motion for a division. Still, I have some doubt as to whether this motion will not be carried as some Members may be neutral in voting. I believe they have got some voice in this and they will not vote against what they believe. I only appeal to the Ministers and also to the Members of the party in power to see whether the reasons that I have urged are not sufficient for them to come to a conclusion and vote in favour of this motion, which, after all, asks for the reduction of a small sum of Rs. 333-5-4. It may be that the party in power has already decided that only a sum of Rs. 1,000 should be reduced; but it is quite possible for the Ministers to accept this small cut without consulting their followers. I am sure that if the hon. the Ministers are agreeable to my suggestion there is absolutely no chance of anybody being blamed for being too lenient towards public money. I appeal to the Ministers and the revered leader, Mr. Tyagaraya Chettiyar, to accept this cut so as not to be

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behind other provinces. Saying as we do, and pretending as we do that this House is more democratic than others and that it represents the dumb millions much more than other provinces, we will be showing ourselves to be consistent with our professions, if we agree to go on a line with other provinces. It is on this ground I appeal."

Mr. R. K. SHANMUKHAM CHETTIYAR :—"Will it be parliamentary to accuse the Members of this House to be pretending to do something, and so on?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"I simply said that these pretensions should be translated into action. Pretensions are not always wrong. Sometimes pretensions are very good. All pretensions need not be false pretensions. Therefore I say that we have been pretending in some cases falsely and in some cases rightly. We pretend to represent the dumb masses of this Presidency better than other councils in other provinces. In order that our pretensions may become just pretensions, I say that some of them should be transmuted into action."

The hon. Sir CHARLES TODHUNTER :—"Sir, I have no doubt there will be many of us here who have paused to watch a wordy warfare between two old ladies in the bazaar accompanied by screams of passion and appeals to the high gods, who have, when they had the curiosity to enquire into the matter of the dispute, discovered that the battle was waging on the question whether the price of a brinjal was to be 2 pies or 3 pies."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"May I ask who the brinjal is in this affair?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"I rise to a point of order. Is it proper on the hon. Member's part to compare other Members to brinjals?"

The hon. the PRESIDENT :—"The Finance Member has not compared any Member to a brinjal."

The hon. Sir CHARLES TODHUNTER :—"I was going to say, Sir, when I was interrupted that I was reminded of such a wordy warfare in the bazaar when hon. Members, instead of accepting the generous gift of the Ministers, make impassioned appeals and appeals to conscience in an endeavour to secure a few rupees more. Nor, Sir, am I able to accept the grounds upon which this appeal is based, namely, that we must measure a man's patriotism by the extent to which he is prepared to sacrifice his salary. In refutation of that proposition, I appeal to the authority of an author much quoted and respected in this country and whom I may claim as one of the greatest advocates of retrenchment in his own day. I refer to Edmund Burke. Writing on a similar subject, he said :

I will even go so far as to affirm that, if men were willing to serve in such situations without salary, they ought not to be permitted to do it. Ordinary service must be secured by the motives to ordinary integrity. I do not hesitate to say that the State which lays its foundation in rare and heroic virtues will be sure to have its superstructure in the basest profligacy and corruption. An honourable and fair profit is the best security against avarice and rapacity, as in all things else a lawful and regulated enjoyment is the best security against debauchery and excess.

"That, Sir, is what Burke says on the subject, and as I have said, in quoting him I am quoting one of the most strenuous advocates of the retrenchment for the securing of which this motion is moved.

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"The only other argument that has been urged is that the Ministers of some other provinces have consented to accept a salary a few rupees less than that for which I have made a demand. Well, Sir, as to that I only ask hon. Members to say whether they do not think that the Madras Ministry is worth more than any other in India."

• Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"It seems to me that the dulness of the debate during the last three days has been somewhat relieved to-day by the very humorous speeches that have been delivered in regard to the question of the Ministers' salary. Certainly I appreciate very much indeed the parallel which my hon. friend has drawn in comparing his colleagues to a particularly delicious article of diet which we find in our dietary. So far as I am concerned, I agree with my hon. friend that this question should not be decided on any question of personal appeal either to the Ministers or to the Members of the Executive Council. Although my hon. friend depreciated the appeals either personal or to conscience, and in conclusion quoted an authority of the 19th century in support of his position, and whatever may be the arguments that have been put forward, I think that this question of the pay of Ministers should be decided, as I said, on a question of Indian pay and European pay which as hon. Members are aware has been fixed at two-thirds of the full pay of the services, and the pay that is proposed, namely, Rs. 4,000 more or less approximates to that number. Therefore, judged from that standpoint, I think that this motion has to proceed upon a certain principle, and not on the arbitrary action of either the Ministers or the hon. friends who support them. So far as I know many eminent gentlemen who are shining lights in the party, like my hon. friends Mr. R. K. Shanmukham Chettiyar, Mr. Pakkiriswami Pillai and others have themselves thought that Rs. 3,000 were quite adequate. That being so, if any of my friends on this side of the House think that Rs. 4,000 would be approximately a correct valuation of the services of my hon. friends the Ministers, I think nobody ought to cavil at that opinion. Having given notices of several motions for reduction of the salary in question, my hon. friends have chosen to withdraw their motions. Not only this: they have not at all spoken on these motions in order to explain the grounds upon which they have desisted from saying one way or the other.

"We learn a great deal from the 'Madras Mail' now and then and it has said much on this question, and every hon. Member should have read it. My hon. friend Mr. Subbarayan has given notice of an exactly similar motion which is in terms of the one which has been moved just now. Of course, my hon. friend the Finance Member said that the analogy that the Ministers of other provinces had accepted a lower salary should not be brought into comparison and that our Ministers are worth much more than those of other provinces. My friend is entitled to express that opinion.

"Certainly he can do so. But we prefer to go upon a certain principle and if the Ministers in Bengal, the United Provinces and Bombay are content to receive Rs. 4,000, it seems to me that Madras will not be doing any wrong thing in adopting this scale. Therefore, on these broad grounds, it seems to me, not only for the present but for the future, that this sum of Rs. 4,000 which has been put forward is quite an ample pay and is consistent with the principle of fixing the pay of the services which have been adopted by the previous commissions. On these grounds I support the motion."

12 noon.

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Mr. R. SRINIVASA AYYANGAR :—"Sir, in the course of his reply, Sir Charles Todhunter reminded us of a dispute over brinjals. There the difference was only a pie while here the difference is Rs. 12,000. I do not view this discussion in the light of a fight or dispute, but regard it as more or less in the nature of a friendly discussion. I make this appeal, more in the interest of the party and more in the interest of the betterment of the country, that we must make up our mind to agree to Rs. 4,000. Sir Charles also found fault with me for my conception of patriotism and took serious exception to the statement that patriotism must be measured by sacrifices and in support of his contention and in support of the position he took up drew the attention of the House to the remarks of Burke. Burke was an Englishman, at any rate he was an European."

Mr. M. RATNASWAMI :—"An Irishman."

Mr. R. SRINIVASA AYYANGAR :—"I said he was an European. At any rate he was not an Indian and that is the point. We are dealing with the pay of the Indian Ministers and it is the standard of Indian patriotism that should be taken as an example to be followed. I do not think there can be any quarrel over that. I once again most fervently and humbly appeal to the Ministers to accept my suggestion."

A poll was taken and 14 voted for the motion, 55 against it and 11 remained neutral. The motion was lost.

Ayes.

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| 1. Mr. Adinarayana Reddi. | 8. Dr. C. B. Rama Rao. |
| 2. " Ramachandra Rao. | 9. Mr. U. Rama Rao. |
| 3. " Krishna Rao. | 10. " Sriman Sasibhushan Rath. |
| 4. " Venkataramana Ayyangar. | 11. " R. Srinivasa Ayyangar. |
| 5. " Venkataratnam Nayudu. | 12. " T. C. Srinivasa Ayyangar. |
| 6. " Suryanarayana. | 13. " Ranganatha Mudaliyar. |
| 7. Sriman Biswanath Das. | 14. " Sivasankaram Pillai. |

Noes.

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| 1. Sir Charles Todhunter. | 29. Mr. Shanmukham Chettiyar. |
| 2. " Muhammad Habib-ul-lah. | 30. " Sitarama Reddi. |
| 3. Mr. Ramaswami Ayyar. | 31. " Subbarayadu. |
| 4. " Lloyd. | 32. " Suryanarayanamurti Nayudu. |
| 5. " Campbell. | 33. " Venkataranga Reddi. |
| 6. " Madhavan Nayar. | 34. " Muttumanikkachari. |
| 7. " R. D. Richmond. | 35. " Arpudaswami Udayar. |
| 8. " Sivagnanam Pillai. | 36. " Arumainatha Pillai. |
| 9. " Thomas. | 37. " Mascarenhas. |
| 10. " Periyannayagam. | 38. " Palmer. |
| 11. " Tangavelu Pillai. | 39. " Ratnaswami. |
| 12. " Ramaswami Mudaliyar. | 40. Raja of Ramnad. |
| 13. " Ethirajulu Nayudu. | 41. Mr. Prabhakaran Tampan. |
| 14. Sir Tyagaraya Chettiyar. | 42. " Congreve. |
| 15. Mr. Balaji Rao Nayudu. | 43. Abbas Ali Khan Bahadur. |
| 16. " Krishnan Nayar. | 44. Bavotti Sahib Bahadur. |
| 17. " Ramalinga Reddi. | 45. Ahmad Miran Sahib Bahadur. |
| 18. " Tanikachala Chettiyar. | 46. Saiyid Muhammad Padsha Sahib Bahadur. |
| 19. " Vijayaraghava Mudaliyar. | 47. Saiyid Diwan Abdul-Razaak Sahib. |
| 20. " Kuppuswami. | 48. Muhammad Sadullah Badsha Sahib Bahadur. |
| 21. " Muniswami Nayudu. | 49. Muhammad Usman Sahib Bahadur. |
| 22. " Muttukumaraswami Chettiyar. | 50. Mr. Kesavulu Pillai. |
| 23. " Narayanaswami Reddi. | 51. " Madurai Pillai. |
| 24. " Natesa Mudaliyar. | 52. " Vandanam. |
| 25. " Pakkiriswami Pillai. | 53. " Venkatarangayya. |
| 26. " P. T. Rajan. | 54. " Namberumal Chettiyar. |
| 27. " Ramayya Punja. | 55. " Rencontre. |
| 28. " Saundara Pandiya Nadar. | |

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Neutral.

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| 1. S. Ry. Ankinedu Prasad Bahadur. | 6. The hon. Rao Bahadur A. P. Patro. |
| 2. Rao Bahadur F. A. Ramalinga Chettiyar. | 7. Mr. A. Tangavelu Nayagar. |
| 3. Mr. S. T. Shanmukham Pillai. | 8. „ V. C. Vellingiri Goundar. |
| 4. The hon. the Raja of Panagal. | 9. Diwan-Bahadur P. Kesava Pillai. |
| 5. „ Rai Bahadur K. Venkatareddi | 10. Rao Bahadur C. V. S. Narasimha Raju. |
| Nayudu. | 11. Rai Bahadur T. M. Narasimhaachalu. |

MOTION No. 98.

Mr. A. RANGANATHA MUDALIYAR :—“ I move—

To omit the allotment of Rs. 852 for temporary steno-typists.

The three Ministers have four steno-typists. The necessity for the fourth is not clear.”

The hon. Sir CHARLES TODHUNTER :—“ I have already replied to this in my former speech when I dealt with all the steno-typists together. One of the hon. Ministers has had a temporary steno-typist during a heavy pressure of work and he anticipates that he will want him for three months next year. He will therefore have to be paid only for March in April and for three months of next year.”

Mr. A. RANGANATHA MUDALIYAR :—“ But, here, Sir, the provision is definitely for twelve months. Will the hon. the Finance Member reduce it proportionately ? ”

The hon. Sir CHARLES TODHUNTER :—“ I shall be very glad to accept a reduction by half.”

Mr. A. RANGANATHA MUDALIYAR :—“ On that assurance I withdraw the motion.”

The motion was by leave withdrawn.

MOTION No. 99.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Sir, I move—

To reduce the allotment of Rs. 20,000 for travelling allowance by Rs. 100.

The House is aware that on a similar motion made by me in the case of the Members of the Executive Council the hon. the Leader of the House was good enough to assure us that the appeal would not fall on deaf ears. I hope the Ministers will see their way to set proper limits on their tours. Sir, I wish to state that in making this motion, the case of the Ministers stands on a stronger footing than the Members of the Executive Council. There has been a complaint that in some cases in respect of the Members of the Executive Council the necessity for tours is not clear. There is a louder and stronger complaint in the case of the Ministers than in the case of the Members of the Executive Council that they have to exercise their discretion in the matter of tours. In their case the people have a right to expect that they show proper necessity for their tours. Secondly, Sir, they may consider whether in the case of the Ministers who are the elected representatives of the people, they cannot have recourse to methods by which they can lessen the cost of their tours. For example, a first class compartment will be enough for all ordinary business tours; especially when they have to move with the people, it will be sufficient for all practical purposes. I am making this suggestion as one of the directions in which there may be some reduction. I do not think, Sir, that in the case of the Ministers they ought to have good

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saloons or any other special concessions. As regards the curtailment of travelling by Members of the Executive Council, I quite realize that they must have sufficient discretion. In the case of the Ministers there is a sort of dissatisfaction that tours are undertaken more often than they are necessary and on a more costly scale than is justifiable. In these circumstances, I hope they will curtail the tours. With these remarks, I place the motion before the House."

The hon. Sir CHARLES TODHUNTER :—"Sir, I may assure the House that when I said that the appeal would not fall on deaf ears, I was speaking for the whole of the Government. As regards the necessity for tours, I must remind the House, as they are so constantly reminding us, that the hon. the Ministers are responsible for nation-building, and they cannot do their nation-building if they do not go out to see how the building is getting on. Hon. Ministers who are responsible for the development departments must go out to see the developments. I would further remind the hon. Member that, as I have just said, it appears that a saloon is really the cheaper way of travelling."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"A compartment is not a carriage."

The hon. Sir CHARLES TODHUNTER :—"In the case of the saloon the Railway Department only charges the haulage charges, whereas in the case of the compartments we have to pay for a certain number of tickets."

The motion was by leave withdrawn.

MOTION No. 100.

Rao Sahib U. RAMA RAO :—"Sir, I beg to move—

To reduce the allotment of Rs. 2,600 for hill journey allowance by Rs. 2,000.
Turning to page 65 of the Budget Estimate, we find that for the year 1922-23 a Budget provision of Rs. 2,600 was made, but under the Revised Estimate of that year we find only Rs. 500. That means only Rs. 500 has been spent this year, and I do not see any reason why Rs. 2,600 should be provided for next year."

The hon. Sir CHARLES TODHUNTER :—"Sir, I am bound to confess that I am not, on the spur of the moment, able to explain why the Revised Estimate is so low. But according to our calculations the reduction that is proposed by the hon. Member would have the effect of depriving the hon. Ministers of any attendants in the hills except their peons. It would deprive them of their Council secretaries, of their steno-typists; and they would have to proceed to the hills with peons and peons only."

Rao Sahib U. RAMA RAO :—"The question which I have raised has not been answered at all."

The hon. Sir CHARLES TODHUNTER :—"May I supplement my statement, Sir? I now understand that the reason why the Revised Estimate is so small is that a considerable portion of the actual expenditure is shown by the Accountant-General under the head immediately above it."

The motion was by leave withdrawn.

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MOTION No. 101.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move—

To reduce the allotment of Rs. 71,250 for the pay of officers by Rs. 100.

In doing so, I wish only to refer to two points in support of my motion. In any well-organized establishment, the practice is that as we go higher and higher, we reduce the number of supervising agencies till at last we end in one. But here that rule does not seem to have been observed at all. For instance, turning to page 68 of the Budget Estimate, we find that there are as many as three Secretaries, not to speak of the Retrenchment Secretary, and these have six superintendents to look after. Again the clerks are not more than 19. The number of superintendents for 19 clerks as well as the number of Secretaries for supervising the work of six superintendents is far too much.

"Another matter to which I want to refer in this connexion is the unsatisfactory way adopted in the appointment of the Retrenchment Secretary. Sir, we had a Retrenchment Committee, and, I think, that in the natural course of things a Secretary should have been appointed to the Retrenchment Committee. The Government did nothing of the sort but appointed their own Secretary, so that the Secretary had to take his orders from some person who was altogether independent of the Committee. That was an unsatisfactory arrangement and I wish to draw the attention of the House to that matter so that the mistake may not be repeated later on."

The hon. Sir CHARLES TODHUNTER :—" Sir, as regards the first complaint that the number of officers should vary directly with the number of clerks, I should like to observe that the hon. Member apparently is not in accord with another of his colleagues who has proposed a motion, with reference to the Chief Secretariat, to abolish all the clerks and leave us nothing but officers. I think that as a matter of fact the latter hon. gentleman is on the right lines and not the hon. mover of this motion, because after all what we want here is the opinion or the statement of the Member in charge. We are always being appealed to for more businesslike management of our offices. I would ask the hon. gentleman to take the telephone guide, take any of the business houses and look at the number of officers in them. You will find, Sir, that any large firm has got as many or more officers as the Secretariat. That is because they want to get their business done promptly. The delays of which complaint is made in this House in connexion with certain departments are due to a certain extent to the fact that we have a great disproportion of clerks and superintendents to officers, and the result is that when some question is asked it has to filter down to a clerk who may spend days and weeks in attempting to discover the answer which an officer could put up straight away if there were enough officers to handle all the letters that come in. That is the difference between Government office and a business house. A business house has got a certain number of assistants, each of whom can dispose of his branch of the business by himself with the help of a steno-typist and one or two clerks. That is what we shall have to do if we really want to be businesslike.

"As regards the other complaint which the hon. Member has made, I can only say this . . ."

Mr. A. RANGANATHA MUDALIYAR :—" I made a mistake, Sir. I should have dealt with the Chief Secretariat. On the other hand I dealt with the

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Finance Secretariat. The question of the appointment of the Retrenchment Secretary does not arise in connexion with the Chief Secretariat establishment. I find that under the head 'Chief Secretariat' there are only three superintendents and not six."

The hon. Sir CHARLES TODHUNTER :—"I take it then that the hon. Member does not want me to answer the point about the Retrenchment Secretary now."

Mr. A. RANGANATHA MUDALIYAR :—"The hon. Member may answer it now, Sir. I have no objection."

The hon. Sir CHARLES TODHUNTER :—"Sir, let me first deal with the question of the number of officers in the Chief Secretariat. This number affords a further illustration of what I was saying just now. The Chief Secretariat has a comparatively small number of clerks because one of the officers deals with a great deal of confidential work and he does the whole of the office routine, filing, copying, etc., himself. He has fewer superintendents because he does everything himself. He types his own letters and so on.

"As regards the Retrenchment Secretary, I must say in the first place that I am surprised to hear from a member of the Retrenchment Committee a complaint of which I heard nothing in the Committee, although it has sat on many occasions."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, the first thing I did was to write a letter to the hon. the Finance Member suggesting among other things that a certain procedure should be adopted with regard to this matter, but that paper was never brought forward."

The hon. Sir CHARLES TODHUNTER :—"I was certainly not aware of any dissatisfaction in the Committee with the way in which the Secretary was doing the work."

Mr. A. RANGANATHA MUDALIYAR :—"That does not arise at all, Sir. The only question is about the way in which the appointment was made. That is all."

The hon. Sir CHARLES TODHUNTER :—"Then, I must ask what the complaint is. Apparently the difficulty is that he was appointed as Retrenchment Secretary instead of Secretary for Retrenchment. If so, I have no objection to having the name changed."

Mr. A. RANGANATHA MUDALIYAR :—"I do not think that the hon. the Finance Member has really not seen my point. He was appointed as Secretary to Government and not as Secretary to the Retrenchment Committee."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I rise to a point of order, Sir. The hon. Members are dealing with the Finance Secretariat. Mr. Ranganatha Mudaliyar said that he made a mistake in dealing with that. But I see that the mistake is continued by both the hon. Members attacking each other. I think we can deal with this subject when we go to the Finance Secretariat. We are now dealing with the Chief Secretariat."

The DEPUTY PRESIDENT (in the Chair) :—"Is the hon. Member (Mr. Ranganatha Mudaliyar) still willing to continue this sort of duel?"

Mr. A. RANGANATHA MUDALIYAR :—"As other hon. Members seem to be willing to take part in the discussion on the subject, I don't wish to pursue the matter further. But I press my motion so far as the Chief Secretariat is concerned."

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The hon. Sir CHARLES TODHUNTER :—" With due deference to the wishes of this House that this discussion on the appointment of the Retrenchment Secretary should not proceed, I will not say anything more about it now."

The motion was put and lost.

MOTION No. 102.

Mr. R. SRINIVASA AYYANGAR :—" I beg to move—

To omit the allotment of Rs. 14,400 for one Assistant Secretary.

Sir, on turning to page 68 of the Budget Estimate, we find that there is one Finance Secretary, one Deputy Secretary, one Retrenchment Secretary and two Assistant Secretaries. The Finance Secretary came with the Reforms for the first time. Next year, provision is made for another temporary Additional Assistant Secretary on Rs. 500—50—850. Probably, the Assistant Secretary for whom the allotment of Rs. 14,400 is made also existed in the year 1922—23. But in view of the fact that next year we shall have a temporary Additional Assistant Secretary there is absolutely no reason why we should continue to have the old Assistant Secretary on a much higher scale, namely, Rs. 1,000—50—1,200. We will be having the same number of officers as before, namely, the Finance Secretary, the Deputy Secretary, the Retrenchment Secretary and a temporary Additional Assistant Secretary instead of one of the Assistant Secretaries. I, therefore, move that this allotment of Rs. 14,000 be omitted."

The hon. Sir CHARLES TODHUNTER :—" I think, Sir, it will be for the convenience of the Council, as there are several motions covering a great part of the Financial establishment, if I explain generally the whole of our present organization without being scrupulously particular as to which falls under the Votable and which under the Non-votable items of the budget. I am afraid, Sir, that in doing so, I may exceed the ten minutes' limit, but in view of the fact I shall be answering practically a number of motions together, I hope I may be permitted a small extension of time.

" It is hardly necessary for me to quote authority for the position that one great essential of the new constitution is a strong Finance Department. I may, if I am permitted to do so, begin my quotations with Kautilya, who said that ' All undertakings depend upon Finance ', and carry them on through the Reforms Report and the despatches thereon down to the pronouncement of the Bengal Retrenchment Committee who have stated : ' Another important factor is the increased powers and duties of the Finance Department since the introduction of the Reforms. Practically all secretariat files go to the Finance Department at some stage or other, and it is here that the real examination of proposals is made in the light of the canons of financial powers, and in the interests of economy. . . . The examination in the Finance Department is not only required by the present constitution, but is essential for the proper control of departmental expenditure.' That is a very authoritative pronouncement of a committee composed mainly of non-officials.

" But I take it the Council do not wish to deny the necessity of a strong Finance Department. What they wish to be assured of is the real necessity for each of the establishments set down.

" Let me begin with the normal staff under the old arrangements. The one officer who has not been attacked is the Finance Secretary, and I take it

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the Council agrees that we must have a Finance Secretary and that we require for this office an officer of general administrative experience to apply financial principles to the policies of departments. With him there has been associated for many years a specialist, that is an officer of the Finance Department of the Government of India. This is the Assistant Secretary on Rs. 1,000—50—1,200, and the reason for that special rate of pay is that the officer employed is recruited from the Finance Department and that we cannot secure an officer of the right sort from the Government of India's Finance Department on a lower salary. The Council will observe that this officer takes the place of the Under Secretary in other departments and draws practically an Under Secretary's pay. This specialist officer is employed upon all the innumerable routine files that come through from the departments for examination and he examines them with reference to the exact application of the financial codes and rules.

"I now come to the two Assistant Secretaries on the ordinary rates of pay (Rs. 500—50—800). One of these officers, the officer shown as temporary, is employed on the work which is done in the Finance Department which is other than financial, that is to say, work on behalf of the Central Government. This includes Salt, Customs, Income-tax and other branches, of which I may mention that the Marine branch, now that we have so much port development, is an unusually heavy one. This officer is paid for by the Government of India, so that I presume the Council will not object to him.

"The other Assistant Secretary was originally employed for six months in the year for budget purposes, as it was found that it was absolutely impossible with the existing staff to get through the enormous volume of work involved in a budget on the new lines. Last year, we found we needed him for more than this. When the Finance Secretary and I returned from the Financial Conference at Simla we found that the work had accumulated during the time of the preparation of the budget to such an extent that there were many hundreds of files in arrears. We ought to have applied for special help. We did actually keep on the Additional Assistant Secretary, and he and the rest had been working overtime ever since, trying to restore things to the normal. They had very nearly succeeded when the pressure of the present budget work began. But I am afraid that that has caused an accumulation again, although the staff are working overtime every day. If we find we can dispense with an officer during the recess, I shall only be too glad to do so. But I would ask the Council to remember that, though their budget work will be over on the 27th, ours will be only beginning. The whole of the budget may have to be re-written with reference to the result of the voting on the thousand and odd motions that have been tabled, and then we have to get it out with the least possible delay to the departments concerned. Last year, we were not able to issue the final budget to the departments until September, and the Council will see how hopeless a state of affairs this involves, if we do not tell the departments until September how much they have to spend in 1923—24, while we ask them to submit by October their proposals for expenditure in 1924—25. Nor is this all. As I have several times represented to the Council, the Reforms have meant the complete recasting of practically everything in the Finance Department, and the Council are insisting on more particularly in our budgeting. I do not for a moment wish to complain of this. But it is practically impossible for us to carry out a much more elaborate system without increase of staff. Let me take a

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single instance, the matter of the supplementary grants, that is to say, the moving of the revised estimate. I quite agree with hon. Members who have remarked that it is most undesirable that departments should over-spend, but for one thing, as I have said, if you are going to prevent them over-spending, you must let them know at the outset what are the allotments given them for disbursement. For another, you must have some sort of machinery for watching the expenditure of departments, to see whether it is within the budget allotment and for pulling them up as soon as they exceed it. We have such machinery in one or two departments, but in others we have not. One officer employs the expedient of circularising his subordinates and asking them how much they are ready to give up, and the reply generally is that none of them are ready to give up anything. Another depends on the Accountant-General to keep him informed of the progress of expenditure. Another keeps some sort of a register in which is posted every item of expenditure against the budget allotment; and what I want the Finance Department to do is to establish a recognized practice, so that when there is danger of an allotment being exceeded a report may be made with either a request to be given more money or a proposal that some special branch of expenditure may be shut down so as to keep within the total allotment till the close of the year. All this means a lot of patient organization and work which cannot be done unless there are officers with a capacity for organizing and carrying it through, and if it is found necessary to keep on the temporary Assistant Secretary for the whole of the year again, I feel sure that he will do much more than pay the cost of so doing.

"I should like to mention one more piece of work that falls to this Assistant Secretary and that is the work connected with the meetings of the Finance Committee. As I have told the Council, the committee have held 29 meetings, and the notes presented to them amount in all to about 1,000 pages of foolscap print; and the task of getting these ready, keeping a record of their decisions and seeing that it is communicated with the least possible delay to all concerned is no small addition to the work of the Finance Department.

"I now come to the work of the Deputy Secretary. He was employed in the first instance as the result of a scrutiny by a committee of all the Secretaries of the causes of accumulation of arrears in the Secretariat; the object of his employment was to relieve the Finance Secretary during the budget season so as to give him time to attend to the Budget, which by itself provides a full day's work. If it were not for this, we should be in the same state of arrears this year as we were last. Why then is it proposed to continue him? Well, the answer is that we propose to give him an entirely new piece of work arising out of the Reforms, and we might, if we had thought of it, have put the demand more specifically as for a special officer. I would here remind hon. Members that the Devolution Rules lay upon the Finance Department the statutory duty of framing financial rules for all other departments. Now, this is not a small matter, nor a routine one. The codes that have to be revised amount to about a dozen volumes. I have here a collection of them and every one of them is the result of many years of case-made law. They are just as important to Finance officers as are the Penal Code and the Criminal Procedure Code to criminal lawyers. There is much, however, in this case-made law to which local officers and local Governments have very greatly objected, and one of

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the objects of the Reforms was to impose greater responsibility on local Governments and to free them from the restrictions imposed by the Government of India through these codes. But if you remove one restriction and do not very quickly replace it by something else, you are apt to run the Government in for an enormous increase in unnecessary expenditure. Let me take one instance. Under the old rules, no officer could be given leave after he had attained 55 years of age. Then the Government of India made some slight exceptions to this. Finally, they added a clause to the effect that he might have leave after attaining the age of 55, and even after he had finished serving, provided there were special circumstances. When the Reforms came, the Government of India, in the exercise of their policy of devolving powers upon local Governments, left it to local Governments to define the circumstances in which leave might be given after 55 years of age. But they did it in a way which provoked claims, that is to say, they made the rule, not that leave may not be granted after 55 except under very exceptional circumstances, but that it may be granted with the permission of the local Government. The effect of this rule was to make every officer believe that he was entitled to take leave after his retirement, and applications poured in. Now, Sir, as very few officers reach the end of their service without having leave in hand, the effect of this rule would be to give every officer on his retirement a bonus equal to the difference between six months' pay and six months' pension. We had therefore to get busy framing the rules under which Government intended to exercise their discretion. At the same time, there is, I am convinced, an enormous scope for removing from the manuals numbers of pettifogging rules based on *obiter dicta* or orders passed many years ago which it has never been found necessary to refer to. In the case of the Travelling Allowance rules, we succeeded in reducing the bulk by something like 75 per cent, and I hope we shall find it possible to do this in the case of the other rules. But again, if we are going to do that, it must be quite clear that this work cannot be done with scissors and paste. It must be done by an officer who can collect together all the rules that bear on a particular subject, trace them to their origin, see what is really the underlying principle and try to put up a simple set of rules which will explain themselves, will not impose irksome restrictions upon officers, but at the same time will suffice to prevent the loss of Government money. This, Sir, is the work for which we require a special officer for a period of about four months, and we thought we could not do it better than by utilizing the officer who has been dealing with cases arising under those rules for the past six months.

"I now come to the Retrenchment Secretary. Let me clear the ground first by dealing with the case of Mr. Moir. The Council are aware that we have two representatives on the Assembly, and that in the ordinary course a special appointment is created for each such representative for the period that he actually works. If any such officer returns for short periods to the Presidency between the sessions, then he has to be found other work. Mr. Moir has actually been in the Presidency since he went up to the Assembly for a period of 25 days. In order to give him an appointment and to save useless transfers he was gazetted a Retrenchment Secretary and he took in hand the overhauling of one of the departments and has sent down several notes the writing of which could not have been completed during the 25 days."

Sriman BISWANATH DAS Mahasayo :—"May I know as to whether there is anything in the rules that only an officer can be our representative in the

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Indian Legislature. What I mean is that a man from the party in power may be nominated to represent the Government of Madras. The party in power are the Government in fact."

The hon. Sir CHARLES TODHUNTER :—"The hon. Member will be glad to hear that of the nominated members one in the Council of State and one in the Legislative Assembly are non-officials."

Mr. A. RANGANATHA MUDALIYAR :—"I rise to a point of order. The motion before us relates only to the Assistant Secretaries, and I do not know whether the hon. the Finance Member is in order in referring to the Retrenchment Secretary."

The hon. the DEPUTY PRESIDENT :—"He explained beforehand that he was going to deal with all these subjects, so that he might give a reply that would cover all points, as otherwise he would not be perfect or complete. That was what he stated, and he wanted a little more time, which was allowed."

Mr. A. RANGANATHA MUDALIYAR :—"I have no objection to your giving him time. What I say is he is at a disadvantage. Probably he may say all these things after hearing the other speakers on the motion."

The hon. the DEPUTY PRESIDENT :—"He has taken the risk."

The hon. Sir CHARLES TODHUNTER :—"I was consulting the convenience of the Council so that I should not have to go over and over again the same matter on a number of different motions. Hoping that the Council will accept that point of view, I will, with your permission, continue to deal with the case of the other Retrenchment Secretary. He was originally our second representative, and as we expected that he would not be required for very long periods at Delhi, we thought we might save money and save useless transfers by combining the two functions. I may say here that Mr. Davies, though he was absent at Delhi from 7th January to 21st February, was carrying on the work of the Retrenchment Secretary the whole time and in fact was employing a second clerk at his own expense while at Delhi. As, however, the work of the Committee was not progressing as fast as it should have done under this arrangement, we recalled him in February and secured the sanction of the Government of India to his being replaced by another officer so that he might be able to attend the almost daily meetings of the Retrenchment Committee which have been going on since 23rd February. I may say, however, that this course involves him in the loss of a very considerable sum of money in the shape of allowances, in addition to which he has left his car at Delhi and has been compelled to hire one ever since. So much for his work up to date. As regards the provision in the budget, I am prepared to agree that that can be reduced. We started with the idea that it would be necessary for him to overhaul the organization of each of the departments one after another; and, judging from the time taken by the Retrenchment Committees in other provinces, we estimated that it would take him till the end of September to complete the work."

"As the Council are anxious for an early report, we shall, I think, have to confine ourselves to a complete overhauling in respect of one or two departments and to more general recommendations, which will involve further enquiries, in the case of the others. On this basis, I am requesting the

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Committee to sit throughout April and I hope to have something in the shape of a report ready early in May. Whether that will actually be practicable depends on many circumstances, including the time when we shall receive the reports of other Committees which are sitting on particular departments. I hope, however, that it will be practicable at any rate to halve the allotment made on account of this officer.

“As regards the items relating to staff which are the subject of attack, I
12-45 p. m. may say that the temporary Superintendents are absolutely essential for budget work and that the allotment of two peons for the Deputy Secretary and temporary Assistant Secretary cannot be said to be excessive. One hon. Member has given notice of a motion regarding travelling allowance under the impression that the item of Rs. 2,745 in page 68 of the Budget estimate is the travelling allowance of the Retrenchment Secretary, and I am sure that he will withdraw it when I tell him that the figure represents the running total of the previous column.”

Mr. R. SRINIVASA AYYANGAR :—“After the interesting details given in the course of the speech of the hon. the Finance Member, there can be little doubt that the Finance Department is bombarded with heavy work and I would like to withdraw my motion.”

The motion was by leave withdrawn.

MOTION No. 103.

Mr. A. RANGANATHA MUDALIYAR :—“Sir, I propose—

To reduce the allotment of Rs. 1,03,160 for the pay of officers by Rs. 100.

I have already stated my case so far as the number of Secretaries and Superintendents are concerned. I am glad, Sir, that I have another opportunity to speak on this for I wish to take advantage of this opportunity and emphatically repudiate any suggestion on the part of the hon. the Finance Member that I have any grievance against the Retrenchment Secretary. Far from it, I say that we could not have had a better Secretary than the one we have at present and in saying so I am sure that every one of my colleagues in the Committee will share the view (hear, hear). I only take exception to the method of his appointment. If he had been the Secretary of the Committee, it would have placed him in a different position from that which he now holds as Secretary to Government for Retrenchment. If he were the Secretary of the Committee, the Committee would have had some control over him and given him some instructions as regards the work to be done. But now, I think, he is precluded from taking any instruction directly from the Committee. It was to bring this aspect of the matter into prominence that I referred to it, and not because I had any reason to be dissatisfied with the Retrenchment Secretary or his work. As I said, we could not have had a better Secretary for the independent and fearless discharge of the work entrusted to him.”

The hon. Sir CHARLES TODHUNTER :—“I have already trespassed a great deal upon the patience of the House and I do not think that I need say anything more upon this particular point than that, if the Committee wishes to give any instructions to the Retrenchment Secretary, I shall be only too glad to consider their desire.”

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Mr. A. RANGANATHA MUDALIYAR :—“That is only a side issue, Sir. The real thing is that the establishment is for too much. I wanted to have it on record that the establishment is really more than what is considered actually necessary.”

The motion was by leave withdrawn.

MOTION No. 104.

Diwan Bahadur M. KRISHNAN NAYAR :—“Sir, I move—

To reduce the allotment of Rs. 2,745 for travelling allowance of Retrenchment Secretary by Rs. 1,372½.

Sir, in answer to one of the previous motions, the hon. Sir Charles Todhunter stated that the sum of Rs. 2,745 was really the travelling allowance of the officer who went to relieve the Retrenchment Secretary at Delhi; so that the allowance was not really for the Retrenchment Secretary. I wish to know what portion of it, if any, is to represent the travelling allowance of the Retrenchment Secretary.”

The hon. Sir CHARLES TODHUNTER :—“I am afraid my hon. friend has not understood me. It is not the travelling allowance that the figure represents, but the total of the previous column.”

Diwan Bahadur M. KRISHNAN NAYAR :—“I beg the hon. Member's pardon. The figure is put down against ‘travelling allowance’. That is why I move for its reduction. What I want to know from the hon. Member is whether the whole sum or any portion of it is intended for travelling allowance, if so, for whose travelling allowance.”

The hon. Sir CHARLES TODHUNTER :—“If the hon. Member will add the figures in the left column he will find that they yield the total of Rs. 2,745. The travelling allowance is represented by the figure 2,000 just below. That is the travelling allowance for clerks and officers going to the hills.”

The motion was by leave withdrawn.

MOTION No. 105.

Mr. C. V. VENKATARAMANA AYYANGAR :—“Sir, I move—

To reduce the allotment of Rs. 1,79,500 for Finance Secretariat by Rs. 40,000.

Sir, I first of all wanted to say that the Retrenchment Secretary might not be asked to duplicate himself once here and once in Delhi. I am glad, that the hon. Member has told us to-day that he will only be here. There was an idea in the minds of some of us that it was to put off retrenchment as long as possible that this Secretary was nominated to the Assembly. I do not mean however to question the honesty of Government in this matter. But I only wish to say that if only the gentleman were here, the work could have been expedited. Regarding this particular motion, I wish to have some information on one or two points. We were under the impression that there were only two types in the Budget, but now there is a third type in regard to the item, Assistant Secretary, the fifth item in the column. I wish to know why it is in a different type. Probably it is a printer's devil. Or, may it be purposely put down because the same type is adopted for the item ‘duffadar’ some lines below? I wish to be informed on the point.

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“Next, Sir, reference has been made to Kautilya. Kautilya wanted that the finances of the State should be strong and not the Finance Department. As for the Finance Department of this province, we have a strong person at the head in the person of the Leader or the House. We want the Finance Department to be strong with regard to other departments of the State, but we do not want that it should swallow a large portion of our finances. So far as the department is concerned, we know that the officers are very able and some money can be spared. I say, Sir, once more that the object of many of us is not to curtail from lower down the scale. I am always prepared to congratulate people where congratulations are due. To-day I am told that one of the two men pumping water here is to be sent away. That, I suppose, goes to the credit of the Retrenchment Secretary. I would certainly say, Sir, if we want really to do any work we want more officers lower down and not higher up, because I believe, the more the people above and the less those below, the less will always the work be. I understand that the Record Office attached to the various departments has been removed some distance off with the result that a number of attenders have been sent away and with the further result that if any of us want an information, the clerk in charge has to run to the Central office and search the files for information, which means a long time of a highly paid officer being utilized for the services which an attender can do. Again, Sir, I understand that there is also retrenchment proposed by way of combining the Legislative Council Department with the Law Department. I hope and I wish my information is wrong. So far as we in this Council are concerned, we would like to have a department for ourselves though it might be a little costly. From our personal point of view, the Council department is very cheaply run and combining this department with any other department will make our position more difficult. So, let not the retrenchment proposals put us, Members of this Council, to more trouble than we are already put to occasionally. As I say, I put the figure 40,000 because by dispensing with the services of some superior officers higher above we can certainly curtail and save that amount. Having the services of Mr. Davies all for ourselves for some months will certainly enable us to spare this amount. Many know him personally, as well as I do, and I have got confidence in him. Only, he should be given the opportunity of using his axe a little higher up the tree. With these words, I would formally move the motion.”

The hon. Sir CHARLES TODHUNTER :—“Sir, as regards my hon. friend's complaint of the printer's devil—I hope he is not objecting to the use of the word in this House—I should say that he has been trying to do a little economy. For the hon. Member will see that wherever the amount of matter requires extra space, the small pica type is used to save overrunning of the matter to the next line.

“As regards the general case of the Secretariat, I should like to ask hon. Members to make a comparison of our position with that of our sister Province which has claimed great retrenchment more by words than by deeds. I would appeal to the evidence of figures, which talk as much as either. Bombay has about half our population and spends on its Secretariat 16·24 lakhs as against our 10·16 lakhs. Again, Sir, as I am glad to see that a distinguished administrator of Travancore in time gone by is keenly following the debate, may I appeal to the example of Travancore?

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They have a population of four millions. We have one of forty. They have four Secretariats. Might we not on their example ask for forty?"

Diwan Bahadur M. KRISHNAN NAYAR :—"I feel flattered, Sir. Travancore is more progressive than this Presidency, Sir."

The hon. Sir CHARLES TODHUNTER :—"I am very glad that my hon. friend bears testimony to the fact that a large number of superior officers in the Secretariat is a sign of progress.

"The next objection was taken to the Central Records system. That really is an item that falls under the Director of Office Systems, but as it has been raised, I will deal with it here. The Director found that in respect of record-keeping, despatch and cash in the departments there was a good deal of waste, waste of money and waste of effort. Each department had its own record-keeping arrangements, its own despatch arrangements and its own cash-keeping arrangements. He found that he could save a good deal by a proper division of labour and putting these arrangements under one head in every case. As a matter of fact, there has been a very considerable saving, and once the new arrangement has got into working, it will be found to be much more efficient than the old arrangement. In the case of the records the first result of getting them under proper control was to reveal the fact that hundreds were unaccounted for by reason of the slackness of the old ways.

"Lastly, as regards the question of the possible combination of the Legislative Council office with the Legislative department, all that I will say is this, that that is the arrangement in Bengal and that, as I understand the House wish to exploit every possible avenue of retrenchment, this is an avenue down which the Retrenchment Committee is likely to make a journey, the end of which cannot be foreseen at present."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I do not press my motion, Sir."

The motion was by leave withdrawn.

MOTION No. 106.

Mr. P. T. RAJAN :—"Sir, I beg to move the motion standing against 1 p.m. my name, which runs thus—

To reduce the allotment of Rs. 10,500 for the Director of Office Systems by Rs. 9,625.

Sir, at the time of the last budget discussion, it was said that the services of this officer would be required only for nine months; but we see from the budget for 1923-24 that has been presented to us, that provision is made for his continuance for one year more. As far as I am concerned, I do not know what services this officer has done. All that I know is that this officer has been making retrenchments in the menial services, and that, further, he has been interfering with the housing accommodation of the Members of this Council. Probably the hon. the Leader of the House may be able to give us some information as to what the work is that has been done up to now and why the services of the Director of Office Systems are required for one year more."

The hon. Sir CHARLES TODHUNTER :—"Sir, again, I have to reply to a large number of motions on this particular item, and I would ask you to

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allow me a little extra time if I am really to give the hon. gentleman all the information he desires to have. I do not know whether the other hon. Members who have tabled motions on this subject would like first to move them and allow me to answer them afterwards."

None of the other hon. Members who tabled other motions rose in their places to speak.

The hon. the DEPUTY PRESIDENT:—"I think the hon. the Finance Member may reply to the motions as a whole."

The hon. SIR CHARLES TODHUNTER:—"Sir, I should like to lay stress in the first instance upon the fact that efficient office management is a profession in itself and one requiring far more training than is commonly realized. I might refer in support of this statement to numerous authorities including the United States of America Commission on Economy and Efficiency and the Llewellyn Smith Committee on Secretarial procedure in the Government of India, I might quote Lord Haldane on the art and science of administration, but the time limit does not permit. Let me content myself with a single quotation from an authority nearer home, that of an hon. Member of this House. When this matter was under discussion last year Mr. Ranganatha Mudaliyar made use of the following expressions:—

'There is plenty of work which can be saved. . . . Inasmuch as the heads of departments are not well versed in the details of departmental management, do not know much about the nature of routine work, and have neither the time nor the mental equipment to examine and find out how economy might be effected, I think it necessary that we must depute a person who has considerable experience of the details of office management and knows exactly whether a particular piece of work is superfluous or whether a particular clerk is unnecessary, to go into the whole question.'

"If the necessity for a special officer is accepted, I do not think I need lay stress on the fact that in the present officer we have secured a very good bargain. Mr. Schmidt has been through the mill; he knows all about the posting of registers because he has posted them himself. In addition, he has made a speciality of office procedure all his life, and the final proof of his fitness for such an appointment was found in the fact that when he was Inspector-General of Registration the proposals emanating from his office could be dealt with in a fraction of the time involved in handling similar proposals from some other offices. That is to say, when he had, for instance, to put up a proposal for an additional registration office, his letter would come forward complete in itself with all the information necessary for a decision. So in the case of proposition statements, notifications, etc. In fact, the proposals coming from him took a quarter of the time taken by an officer who did not know the details of the office procedure . . ."

The RAJA OF RAMNAD:—"May I ask, Sir, whether it is not a reflection on some of his distinguished predecessors, like Diwan Bahadur P. Rajaratna Mudaliyar, Srinivasa Raghava Ayyangar and others?"

The hon. SIR CHARLES TODHUNTER:—"As regards the work which Mr. Schmidt is doing, it would take me far more than the limit of time allowed to give even an outline of it. Let me take the work he has done in the Secretariat in the first place. I notice that there are motions on the agenda for striking out the Central Issue and Despatch branch and the Central Cash

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branch. I think hon. Members who have put forward these motions can hardly realize what these branches represent. Previously every Secretariat had its own arrangements for issue, cash transactions, payment of salaries and issue of stationery. Mr. Schmidt has applied the principle of division of labour and put all these under central heads. In so doing he has not incurred any additional expense. On the other hand, by taking away the clerks dealing with these questions from the departments and putting them under one head, he has been enabled to show a saving of Rs. 5,000 a year, but that is by no means the whole of the saving. It will be perfectly obvious that there must be an enormous saving in stationery, stamps, etc., when all the letters to a particular office from different departments go out in the same envelope instead of each department despatching its own. In this connexion I should like to mention the saving we can effect by the use of the economy label by which an envelope can be used several times over instead of being torn up after the first use. When it is remembered that we use $5\frac{1}{2}$ million envelopes a year, it will be seen what a very large scope there is for saving under this comparatively insignificant head. Similarly he has done a great deal to save time, and incidentally to improve the health of the staff, by rearranging the offices and putting each set of men into direct touch with the officers under whom they serve. More than this : he has been able to make arrangements for the office accommodation which will, I hope, result before the next session of the Council in making available an admirable library, and in improving the arrangements for tiffin both for hon. Members and for clerks and others. These arrangements and similar arrangements in other offices have further involved the discarding of furniture to an amount of Rs. 8,000 in value, the amalgamation of a number of libraries which were not really serving any useful purpose and the establishment of a central library which, I hope, will prove of great value both to hon. Members and to the Secretariat. Other minor changes are the removal of waste paper, which was a great danger from the point of view of fire, out of the building, and the reorganization of the conservancy and watching staff at a saving of Rs. 3,000 a year, which is not a trifling matter. I am not sure whether the pumping establishment referred to comes under this head, but I think it does. As regards despatches within the city, a large saving has been effected by establishing a regular system of motor deliveries to all Government offices and by starting a trolley for carrying heavy bales of paper between the Stationery office and the Press. Again a great saving has been made by merging in the gazette all documents which have to be distributed to a large number of officers. These were formerly distributed to the heads of departments who distributed them in turn to Collectors, Collectors distributed them to Divisional officers, Divisional officers distributed them to Tahsildars and so on till they reached the lowest grade of officers addressed. Hon. Members will realize what an enormous amount of labour, paper and postage was involved in a system of this kind. Now we are working up an arrangement under which all orders that are for information only go straight to all officers who receive the gazette. Nor is this all. We hope, when we can secure a building adjacent to the Government Press, to establish at the Government Press a central despatch bureau in respect of all matter that is printed for despatch to a number of offices.

"As regards the actual amount of printing, I may remind the Council that the Government of India have established a central printing clearing house,

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the object being to distribute the work of the presses evenly and to stop the printing of matter that need not be printed. The Director of Office Systems has been working on similar lines here. Everything that is printed goes under his scrutiny and whenever he thinks that a piece of printing is unnecessary he challenges it. The result has been so great a reduction in printing by the Secretariat that we have been able to take over to the Government Press the whole of the printing on behalf of the High Court with a comparatively small addition to the staff. Similarly there is an enormous saving in printed forms. There are reductions also being made in the issue of publications like the Quarterly Civil List, etc. We hope to cheapen and improve the arrangements in respect of the Editors' table and we have already made a saving of Rs. 1,000 by reducing the number of newspapers supplied, and a further Rs. 3,000 under books and periodicals.

"Hon. Members are very rightly critical of the large expenditure on stationery, and this is another matter for the reduction of which we are utilizing the Director of Office Systems. I may say with regard to this, as in regard to so many other matters, that, as far as rules go, it would be difficult to improve upon the elaborate arrangements for check of unnecessary expenditure provided by the rules of the Madras Government. But we cannot expect executive officers like Collectors to spend their time on questions like stationery distribution. The result is that such work drifts into the hands of low-paid people who cannot exercise the necessary control. The Director of Office Systems is now starting a new plan which will, I believe, effect very much saving in stationery. It is for that reason we have made in the Budget provision for Inspectors of Stationery, because we discovered that thousands of rupees worth of stationery was not properly used and has been indented for without proper necessity. Similarly in the matter of office buildings. This is not by any means the only building on which the Director of Office Systems has been at work. Our office buildings are a great asset and I have been trying for years to get proper value out of them. I was unable to do it until, through the appointment of the Director of Office Systems, I was able to insist on the enforcement of standards of accommodation and the redistribution of buildings in the manner most useful from the general point of view. The result has been a saving in rentals to the extent of Rs. 15,000.

"In the above remarks, I have confined myself mainly to the work that has been already done in the Secretariat, but there has also been considerable saving effected in outside offices both in Madras and the mufassal. The Director has effected savings of thousands of rupees in offices he was sent to inspect on the ground that they were asking for an increase of establishment. As regards his continuance in office, there seems to be an idea that it is sufficient to work out a system in one office and then tell the other offices to adopt it. If the issue of orders would have done all that was needed, we should have saved lakhs of rupees long ago. The trouble is that it is not sufficient to issue orders. You have to see that they are carried out. I may cite the instance of one office which I found, after the issue of the orders regarding the economy label, sending me a new cover every time, as often as not pasted up, with four different printed forms plastered on to it. In other words, they have made the economy label a source of considerable new expense. We want the Director of Office Systems, not only to introduce new systems, but to see that the systems are carried into effect. Again the

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reorganizing of an office is not a matter that can be done in a minute. If we ask the Director to overhaul an office he has to sit down, burrow into the work that is actually being done by the clerks, and see what each clerk is doing, and what is the best way to do that work.

"The Director of Office Systems has already saved the Council one lakh of rupees, and I hope that he will be able to save us at least one more lakh. We cannot really expect executive officers to sit down and attend closely to the details of overhauling columns of registers or counting envelopes and stationery. But if we can get these details properly attended to, we can save very large sums. I have already given a guarantee that, if at any time we find that the office is not paying its way, we will abolish it at once, and I gladly repeat that guarantee now.

"For these reasons, I hope that the Council will not press the motion for the abolition of this office, and thus attempt to kill the goose that lays the golden eggs."

Rao Bahadur T. BALAJI RAO NAYUDU :—"Is the officer going round the districts also?"

The hon. Sir CHARLES TODHUNTER :—"The officer is intended to go round the districts. He has already visited one set of district 1-15 p.m. offices, and the result of his recommendation with reference to that set of offices is expected to give a saving of Rs. 18,000."

The RAJA OF RAMNAD :—"Mr. President, I was somewhat officially connected with this question, and when this question was considered in the Finance Committee, last year, I happened to be a member of that body. I wanted previously also information regarding the report sent by Mr. Tottenham who was placed on special duty to make retrenchment in various offices; but this information was not given. I have been asking for this in the Council ever so many times, and every time I have been told that the report is confidential. When this question came up before the Finance Committee last year, I asked the Chairman of the Finance Committee to give us an idea of the recommendations made by Mr. Tottenham. Then, I was furnished with an extract from his report which I confess I found absolutely unintelligible. And on this particular question of the appointment of the Director of Office Systems the Finance Committee, I believe, by a majority, if not unanimously, refused to accord their approval to this appointment, and this officer was then granted leave. During his leave period, he was asked to inspect some offices and to suggest economies; and on the report which he sent then, the Chairman induced the Finance Committee to accept the appointment of this officer for a period of nine months, and this was agreed to. Now, from the motion tabled I find that the appointment is sought to be continued for one more year. I give an illustration with reference to one of the various items of economy effected by this officer, which to my mind does not appear to be real economy. For instance, each department was issuing Government Orders in separate sheets. Taking for example the Local Self-Government Department, they were printing 400 or 500 copies of Government Orders to be circulated to the various local bodies concerned. But now they are printing a page in the *Fort St. George Gazette*, and I am afraid, Sir, that will involve a printing of about 5,000 or 6,000 copies—the number of the Gazette copies printed—instead of 300 or 400 sheets. Further, these Government Orders are communicated to all the people who get copies of the

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Gazette, to whom they are not intended. I do not know whether this is considered economy and whether there is any saving at all. This is one matter on which I should like to ask the hon. the Finance Member for some information as to why such a thing was done and if the serious loss resulting from this innovation was at all considered. Furthermore, I think this sort of effecting economy must be made by the officers concerned and not by one officer sitting in Madras and trying to go to district after district interfering with the work of the district officers. For these reasons, I am obliged to support the motion made by my friend, Mr. Rajan."

Mr. V. P. PAKKIRISWAMI PILLAI:—"Sir, this appointment of the Director of Office Systems seems to have been introduced because the systems which were in existence in offices before were considered to be no systems at all, or if there was any system perhaps it was not properly worked. In the first year there was an expenditure of Rs. 2,565, in the next year it was Rs. 11,000, and then, of course, for the coming year it is Rs. 23,100. Perhaps this is a system of increasing expenditure. If that is not the object, what else it is I cannot understand. There is one retrenchment department already, which should be allowed to deal with all matters of retrenchment and to see that every department is kept on without increasing expenditure year after year. First, this appointment was made for nine months, and now it is to be continued for one more year. Of course, this officer had much experience of the Registration Department, but I do not think that he is assisting other departments in reducing work but the other departments are assisting him by giving more work to him. I think this appointment is absolutely unnecessary and that it should be done away with."

Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"Sir, I oppose this motion. In the first place, I may say that I know the officer personally for a number of years, and everything that he has been doing from the time he was appointed Director of Office Systems conduced to effect savings both in the permanent charges and in the non-recurring charges. Again, in reply to an observation made by a non-official Member here that this appointment should not be made permanent, we have been given the assurance by the hon. the Finance Member that so soon as the officer is not able to show a profit, the appointment will be abolished. In these circumstance, there need be no apprehension at all that the appointment will be continued long after it becomes unnecessary."

"As regards one remark made by my hon. friend the Raja of Ramnad, I wish to point out that in the Government Orders originally issued though they contained ten or twelve lines a whole sheet was wasted, but under the new arrangement not even a quarter of a sheet is wasted."

The RAJA OF RAMNAD:—"I know that Government Orders were issued in smaller sizes also."

Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"Under the new arrangement, it is not that everything is being reproduced in the Gazette, but it is only an abstract that is printed there and it comes in a compact form. This minimizes the work of distribution to the several offices. What we have now to see is whether the appointment should be continued or discontinued. So far as the necessity for its continuance is concerned, we have the arguments and the facts stated by the hon. the Finance Member that till now the officer

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has effected a saving not only in the recurring charges but also in the non-recurring charges. Everyone of us must therefore give our vote to see that the officer is continued, especially on the assurance of the hon. the Finance Member, if it is necessary to see that economy is effected everywhere."

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Mr. President, I beg also to oppose this motion. When this question was considered by the Finance Committee, the hon. the Finance Member placed before us all the papers connected with this appointment. The impression we had from those papers was that real retrenchment was effected in the course of the last year, and we therefore expected more retrenchment would be effected in all the offices if the officer continued for one more year, and we therefore came to the conclusion that he should be continued for one year more. If the House allows this item to remain, I think that it will be dropped afterwards. Therefore, I do not think that any real retrenchment can be made by cutting down this item. I think the hon. the Finance Member has made out a very strong case for the continuance of this office, and his arguments should be accepted by the House. I very strongly oppose the motion."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" After hearing the arguments of the hon. the Finance Member, one is struck by the compliment paid by him to the officer in charge and also by the amount of savings effected by the existence of this officer. The hon. Member who has just finished his speech indicated that if we allow this provision to stand in the Budget, the office would automatically cease at the end of the year. May I ask him whether at the time of the discussion of the Budget last year it was not understood that the office was only to last until the end of the year? But the Finance Committee made up its mind to continue the appointment and provision was made in the Budget. If once we allow these temporary appointments to continue, there is the danger that they are likely to be made permanent. When once a post has been created, I have not the slightest doubt that some work will be found for that post and some work will be said to be carried out. The question for consideration is whether the work which has been carried out and which is likely to be carried out is one which cannot probably be effected through the agencies already at work. Some indication has been given as to the retrenchments effected. I would ask the hon. the Finance Member to consider if by issuing necessary directions to the heads of offices themselves, retrenchment on the lines indicated cannot be carried out, and whether the necessity for the continuance of this appointment would not cease to exist. It has been pointed out that in the case of the notifications published in the gazette, it may be considered to be a matter of retrenchment. I think, Sir, it is not correct to state so; because the gazette is being circulated to a number of persons for whom they are not intended or who will not be benefited by the communication of these notifications."

The hon. Sir CHARLES TODHUNTER :—" May I remind the hon. gentleman that the whole gazette does not go to everybody? The gazette is issued in different parts."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am aware of that fact. Even then this notification which affects a certain number of persons is communicated to other persons who are not directly concerned. The matter does not stop here. If the notification is sent out and if it is to be

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communicated to other officers who are not supplied with the gazette, it necessitates further correspondence and further expenditure of postage, stationery and other things. If it is stated that all the persons for whose benefit this notification is intended will be supplied with the gazette, I can understand the position. But it is not so. The official who gets the gazette must get copies prepared of these notifications, or must purchase or obtain copies from the Superintendent of the Government Press and circulate them to various other officers. That means necessarily extra postage and extra stationery charges being incurred in another office. I beg to submit that so far as this office is concerned, it is not that we are thinking of a specialist or expert whose presence is necessary for the purpose of carrying out measures of retrenchment, but it is only an application of the ordinary rules of procedure by the heads of offices concerned. It might be true that the heads of offices concerned have not been able to exercise that care and that check over those whom they control as they should ; but is it necessary that we should have a full-time officer and allow him to continue for a long time even in respect of matters which are not special matters for which an expert or special officer is necessary but which only require some supervision exercised over their subordinates ? Therefore, I think that the continuance of this appointment is unnecessary and that the sooner this is done away with the better."

Mr. P. T. RAJAN :—"The hon. the Finance Member has said that a saving to the extent of one lakh of rupees has been effected by this officer, and so on the assurance given by him that the services of this officer will be dispensed with as soon as the work is finished, I beg to withdraw my motion."

The motion was by leave withdrawn.

The Council adjourned for lunch at 1-30 p.m.

The Council re-assembled after lunch at 2-30 p.m., the hon. the Deputy President, presiding.

MOTION No. 107.

Mr. R. SRINIVASA AYYANGAR :—"Sir, I beg to move—

To reduce the allotment of Rs. 6,000 for travelling allowance by Rs. 3,000.

Sir, though a provision of Rs. 4,000 was made in the Budget estimate of 1922-23, we find that a sum of only Rs. 500 was spent according to the revised estimate of 1922-23. Instead of carrying forward that figure in the Budget estimate for 1923-24, we find that an allotment of Rs. 6,000, that is, twelve times the expenditure incurred for the last year, is made for 1923-24. I should like to have some clear statement from the hon. the Finance Member with respect to this appallingly large disproportion between the revised estimate of 1922-23 and the Budget estimate of 1923-24.

"Another reason that prompts me to make the motion that is before the House is this. We find that the establishment under this head costs actually Rs. 15,382, whereas the allotment under Travelling Allowance comes to the magnificent sum of Rs. 6,000, bearing a proportion of nearly 40 per cent. Is it good business to spend a sum of Rs. 6,000 on travelling allowances when the establishment itself costs only Rs. 15,382 ? In various other departments, we find the expenditure under travelling allowances bears a

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proportion of about 25 to 30 per cent. In the present instance the proportion is nearly 40 per cent, and that is a disparity on which I should like to have some light thrown by the hon. the Finance Member."

The hon. Sir CHARLES TODHUNTER :—" Sir, as regards the sum of Rs. 6,000 allotted for travelling allowances, the explanation is this. With the approval of the Finance Committee, we have made provision in the Budget for two Stationery Inspectors. We found that by overhauling the stationery arrangements in the offices in Madras we were able to make a very large saving in the expenditure of stationery. We propose now to send round two men for the inspection of stationery in other offices, and these men will be under the immediate control of the Director of Office Systems. By this arrangement we will be able to make similar savings in the up-country offices. So, we have made additional provision for travelling allowances to enable these two men to travel throughout the Presidency. As regards the proportion of the cost of the travelling allowance to the cost of the establishment, I am afraid that it is not possible to fix any definite standard which can apply to all offices. In the Secretariat, which has got a very large staff, only a sum of Rs. 2,000 is spent on travelling allowances, because the clerks in the Secretariat do not travel. In the Salt Department, where the officers are expected to be on tour for 25 days in the month, the proportion of travelling allowances would be much higher."

Mr. R. SRINIVASA AYYANGAR :—" I only wanted to point out that in no other department was the proportion of travelling allowances 40 per cent of the cost of the establishment."

The hon. Sir CHARLES TODHUNTER :—" The hon. Member might perhaps have put his grievance in another way, and have complained of the inadequacy of the establishment in proportion to the amount of travelling to be done. The Director of Office Systems has practically no establishment worth the name. He has only these two Stationery Inspectors, and he and they are going to tour through the whole Presidency. That is why the expenditure put down for travelling allowance is disproportionate to the expenditure on the pay of the staff under the Director of Office Systems."

Mr. R. SRINIVASA AYYANGAR :—" As the hon. the Finance Member seems to be rather keen about it, I do not want to press this motion."

The motion was by leave withdrawn.

MOTION No. 108.

Rao Bahadur T. BALAJI RAO NAYUDU :—" Sir, I beg to move—

To omit the allotment of Rs. 23,100 for the Director of Office Systems.

Sir, no doubt I have carefully listened to what the hon. the Finance Member said about this officer while we were discussing another motion. But still I am not quite satisfied as to the necessity of this officer for another year. Last year it was stated that he would be engaged only for one year and now it is sought to extend his lease of life by another year. Eventually, there is the likelihood of this officer being made permanent and with him his establishment also. The only work entrusted to the Director of Office Systems is to effect retrenchment in the various departments, and I believe this can very well be attended to by heads of departments. I therefore suggest the omission of the allotment for the Director of Office Systems from the Budget."

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Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, I want to say a few words in support of this motion. After listening to the illuminating speech made by the hon. the Finance Member in connexion with another motion dealing with the same subject, I have been reminded of a story. A gardener was appointed to economize in domestic expenditure, and at the end of one year he came and said to his master that much was saved because fuel was no more necessary for household purposes, and that the number of gardeners could be reduced. The master went into the garden and found there were no fruit trees for the gardener to water. However, I do not think that that analogy holds good in the present instance. It remains to be seen how far the hon. the Finance Member is right in making that special pleading which he did just now. No doubt, the hon. the Finance Member has got the knack of dealing with every department in the most praiseworthy way. The hon. Member has taken care to throw great light on the workings of the various departments and to say how all the departments under the Government of Madras are so spendthrift as not to effect any savings at all and how it has been left to this great prodigy, the Director of Office Systems, to bring things into order and effect drastic economy in all the departments. I do not in the least pretend to know this gentleman, and so I can speak very impartially on facts and on the information I have got.”

“ I wish to point out to this House one important matter about this gentleman. When he was the Inspector-General of Registration, he applied for two more Deputy Inspectors-General and an Inspector of Registration Offices to inspect all the registration offices in the Presidency. So when he was in active service, he wanted to employ more officers in his own department. Now, I understand that after the present Inspector-General of Registration has taken charge, he has not found any necessity for the three appointments recommended by his predecessor. So far as this particular officer is concerned, it is one of those cases where charity alone begins at home and not sacrifice.

“ The amount that is allotted to the Director of Office Systems and his establishment is very large and there is no necessity for imposing such a heavy burden on the tax-payer. Sometimes, it may be said that we are enamoured of particular individuals and want to ascribe all the virtues in the world to the teaching of that particular individual. I wish to know whether no retrenchment can be effected if this office of Director of Office Systems is abolished once for all. Let us make the experiment and see whether economies are not going on in the same way as we find now. I do not think that all credit for the present retrenchment can be given to any particular individual. I strongly feel that this contagion of patronizing officers and of increasing the number of offices both in the higher and in the lower grade has spread throughout the administration. I therefore suggest that, as an experimental measure, we may abolish this office and ask the Director of Office Systems to take some rest for a short period. If we find that the departments are not getting on well without his aid, then we can indent for his services again. This method of introducing new offices should be put an end to once for all. I do not think either myself or any of my hon. friends are convinced by the elaborate arguments of the hon. the Finance Member that the Director of Office Systems is one of those persons who is absolutely indispensable for the efficient administration of the Presidency.”

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Mr. T. ARUMAINATHA PILLAI :—"Sir, the hon. the Finance Member in dealing with another motion this morning gave a long list of accomplishments of this gentleman, the Director of Office Systems. One of his duties is to look after the equipment of the offices in the Secretariat. Surely, the electric fan in this Chamber which has just now been stopped (it was stopped because it was playing too fast and was creaking against the ceiling) is eloquent testimony to the efficient way in which he is discharging his duties."

The hon. Sir CHARLES TODHUNTER :—"May I remind the hon. Member that the Director of Office Systems is not an Electrical Inspector?"

Mr. T. ARUMAINATHA PILLAI :—"I know, Sir, that he is not an Electrical Inspector. But he is not the Manager of the Public Works Department either; yet one of the accomplishments, as given out by the hon. the Finance Member, was to open rooms and windows, to let in more light and air into dark rooms. The other accomplishment which was claimed for him was the new library and the new tiffin rooms. I believe, Sir, that the hon. the Finance Member when he referred to the library had in his mind the Council library. I do not know why our Secretary to the Council, who has taken a lot of pains in the formation of the Council library, was not referred to at all. I believe the formation of the Council library was solely due to the efforts of our Secretary, and I can confidently say that the arrangements of the library would be far better attended to by our Secretary than anybody else. Another accomplishment claimed for this Director of Office Systems was the removal of waste paper. Surely, for this difficult task we do not want an officer on Rs. 875 per month. Another accomplishment claimed for him was the putting of large matter into the *Gazette*. That seems to be rather a dubious compliment to the Director of Office Systems.

"It is stated that this officer has removed certain clerks and thus effected a saving of Rs. 5,000. That is all the solid achievement to his credit. By removing some clerks and attenders and by arranging all the records and the library books in one place, he has made the clerks do the work of attenders. The clerks are expected to attend to more important work than merely picking up reference books, etc.

"Then, Sir, it was said that another accomplishment of this officer was that he taught office work. Is that a matter to be congratulated upon, Sir? I thought that the officers, prior to the time of this Director of Office Systems, knew their work very well and that they were doing their work efficiently also, and I do not know whether the hon. the Finance Member in saying that was really paying a compliment to the heads of the various offices which existed prior to the time of this special officer.

"It was stated that this officer was able to effect a lot of saving in the matter of printing. I can very well understand, Sir, what the real fact is. We have now got our cause lists in the High Court and we can judge these lists by those which were prepared before by private companies. A comparison of the two cause lists will naturally show some sort of saving; but never the sort of efficiency. One who is accustomed to see these lists will at once say that the cause lists prepared by the Scottish Press were much better than the cause lists now prepared by the Government.

"Then, Sir, it was stated that so far as this officer was concerned, he was
2-45 p.m. needed for another year, because he had to give directions, he had to go round, he had to sit by every clerk to see what work he did, to see if he did not do his work properly, to teach him how to do the

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work, to draft letters most probably and to put in letters in the box in this way and not in the other way, to put in chairs in one direction and not in the other direction, to put in tables to the east and west, rather than the north and the south. These, Sir, are some of the directions most probably for which this gentleman is to be kept on a pay of Rs. 875 a month. If that is the case, Sir, I submit that this officer must go."

Mr. B. MUNISWAMI NAYUDU:—"Sir, I rise to support this motion though I have given a motion under this head for the reduction of a portion only of the allotment. The hon. the Finance Member stated that a lot of retrenchments had been effected by this officer in the course of one year, and if I understood the hon. Member correctly, I believe the proposal now is to send this officer out to the mufassal to the various offices after retrenchments have been effected here. When resolutions were tabled to do away with intermediary officers like the Deputy Conservators, Deputy Superintendents and so forth, it was stated that a large amount of routine work was done by these people; so that, for dealing with principles and policies, we have got the heads of departments; and if these intermediary officers also are to continue and if thereby the work of the heads of departments will be lessened, I see no reason why this setting of things in order cannot be done by them and why another officer should be sent out to find out what mistakes are going on there and remedy them. I do not know if the special officer is to be treated as an Inspector of mufassal offices, just in the same way as we have the Inspector of Municipalities, to see wherein the heads of departments err in having either allowed too much of common forms to be stored unnecessarily, or more space being occupied in the office than is absolutely necessary. These things, Sir, can be done much better by each head of the department himself, if only he is directed to look after them himself. If it is to be taken, Sir, that this officer is to find out mistakes and draw their attention to them so as to avoid their further recurrence, I can understand it. But if it is proposed to give this officer the duty which the heads of offices ought to do, and to put him thus above their heads, I think this House would be sanctioning an office which is quite unwarranted by the necessities of the case or by expediency.

"In the revised estimate for 1921-23 we find that the expenditure is Rs. 11,000 and odd and now the proposed expenditure is Rs. 23,000 and odd and there is also a provision of Rs. 6,000 for travelling allowance. The main department we are concerned with in the mufassal, that is the department of Revenue, is now controlled by the Board of Revenue and we have a number of Indian Civil Service officers there who are sometimes taken on as Under Secretaries to Government, or are sent out to do some other duty, and I do not see any reason why some such officer should not be put on special duty in regard to this work also, so that, that particular officer will be drawing only his usual pay and will at the same time be doing this work. In these circumstances, I see no reason at all why a special officer should be appointed to do the duty which the various heads of departments are expected to do. If, during this period, this officer has been able to introduce any new system here by which retrenchments can be effected and much of public money can be saved, that, Sir, should be sufficient to induce heads of departments also in the mufassal to carry on investigations on these lines and see if such savings cannot be effected there also. If, for instance, common forms are found to be stocked unnecessarily, it will be enough if

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only the attention of the heads of departments are drawn to it. As regards indents for stationery, it is stated that heads of departments do not generally pay much attention to them and the work is left to be done by inferior clerks. If the special officer were to go out for this purpose, I do not know if he would be able to attend to that work himself and would not also have to leave it in the hands of his inferior clerks.

“For these reasons, I submit that this particular officer is unnecessary and should no longer be allowed to continue. He has now done the work so far as the Secretariat is concerned. With regard to the mufassal, there are various controlling authorities who can do these things much better, cheaper and more satisfactorily than one officer going round the Presidency and dictating what is to be done and what is not to be done. We do hope that the various heads of departments can take advantage of what has already been done in the Secretariat and effect economies in their departments. From the way in which things have been put before us, there is just the possibility of the hon. the Finance Member saying that this office should be made permanent and I therefore oppose this appointment on that score also. There is absolutely no necessity to perpetuate this appointment and I support the motion that this officer should go.”

MR. S. T. SHANMUKHAM PILLAI:—“Sir, I feel strongly inclined to support this motion. So far as the establishment is concerned, I think the amount may be cut down. Last year, the expenditure was only Rs. 11,000; but it has now been increased to Rs. 23,000 and odd due to the increase in the establishment. The work required to be done in the mufassal may as well be asked to be done by the District Officer's establishment. With these few words, I support the motion.”

The hon. Sir CHARLES TODHUNTER:—“Sir, in replying to a previous motion on the same head, I asked the Council not to kill the goose that lays the golden eggs. Now, Mr. Venkataramana Ayyangar, out of his own experience, has given us another proverb. He compares himself to a head-gardener who saved money in watering by cutting down the fruit trees that ought to have been watered. If you abolish this appointment, you will, like that head-gardener, be cutting down a fruit tree that is yielding you a great deal of fruit.

“The main attack upon the office has been on the lines that we have already got heads of offices, and that all that we have got to do is to issue the necessary orders, leaving it to them to carry out the instructions. Well, we have issued the orders. As I have already told the House in opening this question, we have issued volumes of orders, but the answer is contained in what Mr. A. S. Krishna Rao said, that what you want is only supervision. That is exactly my case. We want supervision, and the supervision we want is that of Director of Office Systems. You cannot expect heads of departments, who are very busy men, to spend their days in seeing that clerks are preparing statistics in the cheapest possible way. Mr. Pakkiriswami Pillai suggested that the Retrenchment Committee should undertake this work—the retrenchment department as he called it. This is the first time I have heard the Retrenchment Committee classed as a department of Government. And if he expects the Retrenchment Committee to take over all the executive work of the Director of Office Systems, to go round every office in the Presidency and revise the registers and count the stationery, I suppose he also expects them

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to take over some of the detailed work of the other branches of administration also; if so, I can only say that he is going to impose an intolerable burden upon them and to spend in the end far more than he saves.

"Then again, Sir, we are told that heads of departments do not want any teaching in regard to this matter. May I in that connexion again quote the authority of Mr. Ranganatha Mudaliyar, who told us that the heads of departments are not well-versed in details of departmental management; they do not know much of routine work and they have neither the time nor the mental equipment to examine and find out how economies can best be effected?"

Mr. T. ARUMAINATHA PILLAI:—"May I know if this teaching is to go on for ever?"

The hon. Sir CHARLES TODHUNTER:—"In the Government of India I believe the appointment is a permanent one. We have not proposed to make it a permanent appointment here. But so long as we have professional heads of departments—you may take for instance a man who is a very admirable doctor and you promote him at the close of his service to the head of an administrative department—do you expect him to know all the financial codes and rules, what the best ways are of extracting information out of statistics and so forth? He is only too grateful to get assistance in showing to his clerks how to do that sort of work, and as I have said, the Director of Office Systems has saved money over and over again in helping professional heads of departments in putting their offices into order.

"Then again it was said that we can leave the re-arrangement of offices and so on to the heads of departments. We will take the case of the Secretariat. What has been going on here is the re-arrangement of the work that is common to all the branches, bringing all the concerned clerks together and distributing the work among them. This has saved us thousands of rupees a year. But this was not work that fell altogether under any one department. It was the fresh division of labour that was common to all that effected the saving, and it is the same elsewhere.

"Then again, no one particular system will serve all the offices. The correspondence work in a doctor's office is quite different from the correspondence about grants-in-aid to schools or agricultural statistics. Every well-conducted concern in England has a special system for doing these things and working them on proper system is found to effect a saving of thousands of pounds. That is what we have been trying to do here.

"A good deal has been said about the Gazette. Well, I dare say there is yet room for improvement in what has been done in that respect. But, in the first place, I should like to say this. There has been no increase in the number of gazettes issued. Gazettes are issued in parts and only those parts which belong to a particular department go to officers under that department. In the second place, the printing of orders in the Gazette uses up much less paper than if they are printed on separate sheets, and thirdly, we do not send the whole Gazette to every officer. Thus, orders relating to Local Self-Government go into the Local Self-Government part and hon. Members are mistaken if they think that they are distributed to officers who have nothing to do with Local Self-Government and to whom we send the part relating, say, to Salt and Abkari. Still there is room for further improvement and

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that, as I have said, we hope to effect when we get a building in which to set up a general central despatch office adjacent to the Government Press.

“Then some reference was made to the fans. As to these I certainly
3 p.m. hope that, with the aid of the Director of Office Systems, we are going to get a very considerable saving in our bill for the current consumed.”

Mr. T. ARUMAINATHA PILLAI :—“Has nothing been done during the last nine months so far as this building is concerned, Sir?”

The hon. Sir CHARLES TODHUNTER :—“That is a matter that involves alteration in the switch boards in the first place in order to get general control. Telephones are another similar item. We are spending Rs. 50,000 a year in telephones, and one of the things which the Director of Office Systems is attempting to do is to set up internal telephones in blocks of offices and reduce the number of direct lines which is expected to result in a considerable saving.

“About the library it has been said: why do you not leave it to the Council Secretary? Well, if the Council Secretary has got time to undertake it, we shall be very grateful. Our proposal, however, relates not to the Council library but to the bringing together in one place of a large central library for all the headquarter offices.”

Mr. T. ARUMAINATHA PILLAI :—“Sir, is there going to be a separate library for the Council?”

The hon. Sir CHARLES TODHUNTER :—“The intention is to bring a number of libraries together, the Secretariat library, the libraries of the heads of departments, the library of the Publicity Bureau and the Council library and to render them all available, after being re-sorted and catalogued, to Members of this Council. A surplus of books and papers amounting to several tons has been carted away. We are despatching this surplus, as far as possible, to the other libraries in the Madras town and elsewhere and several tons of it have been sold as waste paper.

“As regards the printing of cause lists, the Director of Office Systems has nothing to do with that. What he has been trying to do is to reduce printing in the Secretariat so as to enable the Government Press to take over the work which the contractors were unable to carry on.

“To conclude, Sir, as regards the abolition of this office, I should like to correct one hon. Member who has said that the intention is to maintain it for a single year more and then to abolish it. What I have guaranteed is that we will abolish it the moment it ceases to pay its way. If we find that it has ceased to be profitable to us we shall not wait for the expiry of the year. We shall abolish it at once. If the Council accept the statement that it has saved already a lakh of rupees and find this time next year that it is continuing the good work, it will be for the Council to say whether they will continue the office or not. But at present I can assure the Council that it has made large savings and is engaged on work which involves many more. I therefore appeal to them again not to destroy the fruit tree which is yielding valuable fruit in order to save the cost of watering it.”

Mr. T. ARUMAINATHA PILLAI :—“May I know, Sir, when that good fortune will come?”

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Rao Bahadur T. BALAJI RAO NAYUDU :—" I am sorry I cannot withdraw the motion, for the majority seems to be in my favour."

The motion was put to the House and declared lost.

Mr. T. Arumainatha Pillai demanded a poll and the result of the poll was as follows :

Ayes.

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| 1. Mr. K. Adinarayana Reddi. | 15. Mr. W. P. A. Saundarapandiya Nadar. |
| 2. " M. Appalanarasayya Nayudu. | 16. " A. Tangavelu Nayagar. |
| 3. Diwan Bahadur C. Arunachala Mudaliyar. | 17. " V. C. Vellingiri Goundar. |
| 4. Rao Bahadur P. C. Ethirajulu Nayudu. | 18. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 5. " T. Balaji Rao Nayudu. | 19. " C. V. S. Narasimha Raju. |
| 6. Diwan Bahadur M. Krishnan Nayar. | 20. Mr. C. V. Venkataramana Ayyangar. |
| 7. Mr. W. Vijayaraghava Mudaliyar. | 21. Sriman Biswanath Das Mahasayo. |
| 8. " J. Kuppaswami. | 22. Rai Bahadur T. M. Narasimhacharlu. |
| 9. " B. Muniswami Nayudu. | 23. Rao Bahadur Dr. C. B. Rama Rao. |
| 10. " A. T. Muttukumaraswami Chettiyar. | 24. Rao Sahib U. Rama Rao. |
| 11. " M. Narayanaswami Reddi. | 25. Sriman Sasibhushan Rath Mahasayo. |
| 12. " V. P. Pakkiriswami Pillai. | 26. Mr. R. Srinivasa Ayyangar. |
| 13. Rao Bahadur A. Ramayya Punja. | 27. " S. Arpudaswami Udayar. |
| 14. Mr. K. Sarabha Reddi. | 28. " T. Arumainatha Pillai. |
| | 29. " A. T. Palmer. |
| | 30. " T. Sivasankaram Pillai. |

Noes.

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| 1. The hon. Sir Charles Todhunter. | 16. Diwan Bahadur K. Suryanarayana-murti Nayudu. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib. | 17. Rev. W. Meston. |
| 3. " the Raja of Panagal. | 18. Rai Sahib E. C. M. Mascarenhas. |
| 4. " Rai Bahadur K. Venkatarreddi Nayudu. | 19. Mr. A. Ranganatha Mudaliyar. |
| 5. " Rao Bahadur A. P. Patro. | 20. Mustapha Ravuttar Ahmad Miran Sahib. |
| 6. " Mr. A. E. Knapp. | 21. Khan Bahadur Muhammad Sadulla Badsha Sahib. |
| 7. " Mr. C. P. Ramaswami Ayyar. | 22. " Muhammad Usman Sahib. |
| 8. Mr. E. S. Lloyd. | 23. Mr. M. C. Raja. |
| 9. " A. Y. G. Campbell. | 24. " L. C. Guruswami. |
| 10. " C. Madhavan Nayar. | 25. " R. T. Kesavalu. |
| 11. " R. D. Richmond. | 26. " M. C. Madurai Pillai. |
| 12. Diwan Bahadur T. N. Sivagnanam Pillai. | 27. " G. Vandanam. |
| 13. Mr. E. F. Thomas. | 28. Rao Sahib P. Venkatarangayya. |
| 14. " E. Periyannayagam. | 29. Mr. T. C. Tangavelu Pillai. |
| 15. " A. Ramaswami Mudaliyar. | |

Thirty voted for the motion and 29 against. The motion was carried.

Demand X—General Administration—for a grant not exceeding Rs. 15.51 lakhs minus Rs. 23,100 was put and carried.

The grant was made.

DEMAND XI—CIVIL JUSTICE

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I move for a grant not exceeding Rs. 47.19 lakhs under the head XI. Civil Justice."

MOTION No. 109.

Rao Bahadur T. BALAJI RAO NAYUDU :—" Sir, my motion is—

To reduce the allotment of Rs. 61,752 (52,320 + 9,432) for translators and clerks by Rs. 15,852.

Under this head the Budget Estimate for last year was Rs. 45,900 and this year it has been raised to Rs. 61,752. In these days of deficit Budgets,

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I do not see any necessity for enhancing this item by Rs. 15,852 as proposed in the Budget."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I think it will be necessary for me to explain the position somewhat more in detail inasmuch as my explanation will relate not only to this particular vote but to many others as well. This motion of my friend, Mr. Balaji Rao Nayudu, is for the reduction of the allotment of Rs. 61,752 for the translators and clerks. This allotment comprises the salary of 35 translators and 10 clerks of the permanent establishment. When the revision of the High Court establishment was sanctioned the question of the sufficiency of the pay of this establishment was also under consideration. Hon. Members of this House will remember that in the matter of the fixing of the salaries of the establishment of the High Court, the Chief Justice stands on a peculiar footing. In order to refresh the memory of hon. Members, it may be permissible to refer to the Letters Patent constituting the High Courts under which the Chief Justice is given the authority and power. It says :

the Chief Justice shall from time to time appoint for each office or place such and so many ministerial officers and clerks as he may choose and the salaries shall be as the Chief Justice may prescribe from time to time subject to the approval of the Governor in Council.

" This control of the Governor in Council is, having regard to the peculiar position of the Chief Justice, only of a residual character to be exercised on special occasions. The Chief Justice insisted that, having regard to the work that these translators are doing, their pay should be revised.

" I may mention to my hon. friend that the number of posts remains the same as last year. There is no addition of a single man to the establishment. With regard to the objection that the total pay is in excess of the original pay, this Council no doubt considered that the original pay was adequate, but the High Court pressed their claim by virtue of their power of increasing the pay of their establishment. It seems to me that in a matter like this, under the Letters Patent, the High Court holds a peculiar position which this House will do well to consider. It seems to me, moreover, that so far as the particular item of 'translation and printing' is concerned, the receipts under this head more than cover the expenditure. Having regard, therefore, to the peculiar position of the High Court, to the fact that the printing charges levied from the parties more than counterbalance the expenditure, and, to the further question whether if there is a surplus income under this head the general tax-payer is entitled to the benefit of the surplus income derived from the translation and printing charges which are levied from the parties, I trust the hon. Member Mr. Balaji Rao Nayudu will not press his motion."

Rao Bahadur T. BALAJI RAO NAYUDU :—" In view of the information that has been given by the hon. the Law Member I do not press my motion."

The motion was by leave withdrawn.

MOTION No. 110.

Rao Bahadur T. BALAJI RAO NAYUDU :—" The motion that stands in my name runs as follows :—

To reduce the allotment of Rs. 28,000 for printing and translation charges by Rs. 19,000.

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I think the same explanation given by the hon. the Law Member with respect to a previous motion will hold good for this motion also. Therefore I do not press my motion."

The motion was by leave withdrawn.

MOTION No. 111.

Rao Bahadur C. NATESA MUDALIYAR :—"The motion that stands in my name runs as follows :—

To omit the allotment of Rs. 5,45,234 for High Court.

Sir, I intend pressing this motion to a division. Thereby I do not mean any reflection on the hon. the Law Member who has been placed in his office only a few days ago, and who has yet to be judged. I have been mentioning in this House many a time that the High Court and the Judicial Department have been persistently discarding the resolutions of this House and the various communal D.O.'s thereon. Though, according to the Letters Patent, the High Court is not to be guided by the rules framed by the Government, I think it would be well if I read here the passage from the Letters Patent :—

We do hereby authorize and empower the Chief Justice of the said High Court of Judicature at Madras from time to time as occasion may arise and subject to any rules and restrictions which may be prescribed by the Governor-General in Council.

Again it says :

We do hope that whenever appointments are made, proposals for making such appointments shall be submitted to the Governor in Council."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"May I say, Sir, that the Letters Patent have recently been amended, and what my learned friend is reading is the old arrangement."

Rao Bahadur C. NATESA MUDALIYAR :—"Anyhow, we shall couple them.

"Now coming to the motion in question, if the High Court is not amenable to the wishes of the Government, as my hon. friend Mr. C. P. Ramaswami Ayyar says and if the Letters Patent are to be repealed, it is our duty and the duty of this House to address the Secretary of State immediately to bring the High Court to order. The communal claim has been accepted even by the Government of India and the Legislative Assembly. It has become an All-India question now. In the early period of the British Government, non-Brahmans were keeping positions of trust and honour. Later on, under extraordinary circumstances they were driven to a state of dependency, and non-Brahman young men with distinctions were deemed unfit even to get a despatching clerk's post in the various offices. The Brahman superiors found them unfit and put their opinions in writing in the records of the various offices. However clever these non-Brahmans might have been, as they were not successful in being able to get any appointments, they became despondent. Some of the non-Brahman young men thus treated died demented and disheartened. Others plodded through their miserable existence. Thanks to His Excellency, Lord Willingdon, and his Government who gave effect to the various resolutions that have been passed in this Council, a gleam of hope has pierced through the intense gloom. But, Sir, all these resolutions and Government Orders have not been given effect to by the High Court in recruiting persons to the various appointments. They are not only not giving the non-Brahmans their usual precedence and

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[Mr. C. Natesa Mudaliyar]

seniority in the matter of promotions, but are also reverting all the non-Brahmans who are acting in higher appointments to lower appointments. Sir, persecution has replaced the original oppression. I can understand the attitude of Brahman towards non-Brahmans, for it is a struggle to retain their supremacy, political, and social. This supremacy they were having from time immemorial and it is quite legitimate that they should resent their supremacy being snatched away by non-Brahmans. But I cannot understand the attitude of some of the Europeans. When India was seething with sedition, when the very British rule in India was almost shaken, the non-Brahmans of our province came to the rescue of the Government. As far as our province is concerned, the non-Brahmans assisted the British Government in laying the foundation of the British Empire in India. It is the non-Brahman who fought the non-co-operators, and it is the non-Brahmans who helped the Government with men and money to fight their enemies."

Sriman SASIBHUSHAN RATH Mahasaya :—"It is a non-Brahman that leads the Non-co-operation movement" (laughter).

Rao Bahadur C. NATESA MUDALIYAR :—"In spite of what the British Government have done for the non-Brahmans and in spite of what Lord Willingdon in particular has done to us, I can say that the attitude that some of the Europeans take towards certain non-Brahmans rather savours of ingratitude. Let me be pardoned for using that word. I do not want to use that word any more. In conclusion, I request the Members of this House to vote for this motion to a man and save the non-Brahman community."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"My hon. friend Mr. Natesa Mudaliyar will excuse me if I do not travel into those realms of history into which he has travelled. Far be it from me to deny that the whole of the non-Brahman community was instrumental in laying the foundation of the British rule in this country. But at the present moment we are discussing Motion No. 111, 'for the reduction of the allotment of Rs. 5 lakhs and odd by one hundred rupees'. Now if it were made out, as my hon. friend Mr. Natesa Mudaliyar sought to make out, that the High Court was guilty of a policy of persistently discountenancing or of deliberately ignoring the claims of senior men and of perpetrating injustice, either communal or individual, it is certainly a matter which must be taken into account. If he had specific instances in a matter of this kind, it would have been quite imperative for my hon. friend to have brought forward such instances to the notice of this Council. But so far as this particular motion is concerned, in spite of what my hon. friend has stated, I trust he will not press it to a division, because, as we have pointed out, the High Court is vested with certain powers in regard to appointments and the fixation of their salaries. I do not deny for a moment that any resolution of this kind or any order of the Government will be paid due heed by the High Court. In making the selection for appointments—it is not my concern to quarrel with this proposition which I think may be clearly stated and acknowledged—, following the example very recently set up by the Legislative Assembly as far as possible, the claim of communities who produce persons who are fit for particular appointments will be considered with special reference to the disabilities, if any, as to such recruitment in the past. I take it that to a proposition like that, the hon. Judges of the High Court will not demur.

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If we have been furnished with specific instances where injustice has been done in the matter of appointments, I think I shall be in a position to answer. But having regard to the circumstance that the control which has to be exercised by the Government is only of a residual or ultimate character and having regard to the circumstance that this discussion will be noticed by the authorities of the High Court and that they will pay their due deference to the sentiments of the large community which my hon. friend claims to represent, I take it that he will be well-advised, and I would appeal to him, not to press his motion to a division."

Mr. B. MUNISWAMI NAYUDU :—" There is a similar motion standing in my name—

To reduce the allotment of Rs. 5,45,234 for High Court by Rs. 100.

This Council will remember that a similar question was raised relating to the recruitment of the District Munsifs last year during the Budget debate in 1921-22 by me and was subsequently followed by a resolution moved by Rao Bahadur O. Tanikachala Chettiyyar that this power of appointing Munsifs should be taken away from the High Court and vested in the Government as it is in the other provinces and as it was recommended by the Public Services Commission. The debate is reported on page 1586 of the Council Proceedings of the second session and this was what the hon. Sir Lionel Davidson said on the occasion :

I should like to say, Sir, that the assurance that I have given is not binding upon the Government unless the resolution is withdrawn. I take it, Sir, that if this resolution were carried by a majority of the House, it could hardly be construed otherwise than as an indirect censure of the High Court.

It was this very contingency that I particularly wished to avoid, when I offered further consideration in consultation with the High Court. I therefore request you
3-30 p.m. Sir, to allow me to repeat my appeal to the mover of this resolution not to press it to a division. If it is withdrawn the whole of the debate will be communicated to the High Court and the matters at issue will be considered both by the High Court and the Government

" Mr. O. Tanikachala Chettiyyar thereon withdrew his resolution. The difficulty that we find is that in the appointment of the District Munsifs power is vested in the High Court. We are in a difficult position here in this Council to say anything against the High Court Judges. They have not always exercised their discretion properly and because of their eminence it is difficult for us to say anything against them. It is in order to make it possible to debate the question of the appointments in this House and in order that public opinion may be expressed in this House that the power of appointment is sought to be vested in the Government. Subsequently, a note was put in our hands containing the opinion of the High Court Judges where it was said that the power of appointment was vested in the High Court and that the rules of Government could not be applied. A non-Brahman Judge, Mr. Justice Krishnan, was of opinion that the High Court might well accept the opinion of this Council. There, Sir, the matter stood and nothing further has been done. We wish, Sir, in this motion, to ask the hon. the Law Member, though he has taken charge of the portfolio only recently, to introduce a Bill to amend the Madras Civil Courts Act and vest in the Government the power of appointments. This is intended to avoid the unpleasantness of speaking against the High Court Judges. Whenever questions were asked in this House about the injustice caused by the appointments made by the High Court, the Government always

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said that they had no information. Surely the Government will have no information in such matters, if Government do not think it necessary to call for the information. I do not know if it is an answer that can be given by this Government. Whenever the questions are asked, the usual reply that we get is that the whole power is in the hands of the High Court. That is why I press that this power ought to be taken away from the High Court and given to the Government.

“Another thing that I wish to draw the attention of this Council to is that in two consecutive sessions I moved a resolution that the Sarishtadars of District and Subordinate Judges’ Courts should be transferred once in three years as other officers and heads of departments. It was stated that the High Court would be consulted and that the debate would be communicated to them. Nothing came out of it. I moved a similar resolution last year, but nothing came out of it. To quote a specific instance out of personal experience, I may say that the Sarishtadar of the Sub-Court in Chittoor has been there for the past 12 years and has not been transferred as yet. The only difficulty is that whenever a question is asked the Government reply, ‘we have nothing to do with it.’ Public opinion must make itself felt, and the only way in which it can be done is to relieve the High Court of all unpleasantness by taking this power of appointment away from them and vesting it in the Government. We shall then be able to voice forth public opinion effectively.

“Then, Sir, recently, a question was asked by Mr. Palmer whether the appointment of a non-Brahman Sarishtadar by a District Judge was overruled by the High Court. I do not know the details of that incident. The Government said we have no ‘information’ in their characteristic way. If Government were to say ‘we have no information’ how are we to bring public opinion to bear on them. We can bring our opinion to bear on the Government whenever it asks for money. It is then, Sir, our turn to say that things are not done as they ought to be and that Government should make itself responsible for these appointments. It is for that purpose that this motion has been brought forward.

“Then, Sir, I see from this Budget that some more temporary Judges and temporary Munsifs are to be appointed. The question to be asked is what has to become of the feeling of the public about the appointments? Taking the Civil List one will see that there is a very small representation of non-Brahmans in the Judicial Department. May I ask the hon. the Member for Law whether the feeling of the non-Brahmans will be given due weight in making these appointments?”

MR. A. T. PALMER:—“Mr. President, Sir, I have tabled a motion—

To reduce the allotment of Rs. 47.19 lakhs for Civil Justice by Rs. 100.

That is intended, Sir, to express before this House the grievances of the Indian Christians on the treatment they have received from the High Court. The hon. the Law Member wanted us to give specific instances of such grievances. But I do not think, Sir, it is expedient or wise to give specific instances. It is for the High Court to see if any such grievances exist and to correct wherever they can. Sir, there are many Indian Christians who are quite fit to administer justice in this department. I know there are many B.L.’s., many intelligent B.L.’s., and many young B.L.’s. too, who can reasonably

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be appointed as District Munsifs or as Sub-Judges in the department. But I am afraid, Sir, that this High Court is a close preserve. I am afraid, Sir, that the grievances of the Indian Christians are not voiced in that august House. I request the popular Law Member to do his best for the Indian Christian community."

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, I should just like to say a few words on this occasion. I cannot help saying that the Muhammadan community is very inadequately represented in the Judicial Service.* We have very few District Munsifs and Sub-Judges and no District or High Court Judge. It is very important that we should have a High Court Judge. Government will say that there is no properly-qualified man for that high post. It is true I admit, but Government can always bring a proper person from other provinces as it was done before in the case of Sir Abdur Rahim and Mr. Tyabji. The hon. the Law Member in one of his public speeches during his non-official days once said that the flower of Moslem intelligentsia is to be found in Northern India. That being so I, on behalf of my Moslem colleagues, request him to import a Muhammadan to the High Court Bench. Further I learn that some temporary Sub-Judges and District Munsifs are going to be appointed. I request the hon. the Law Member to give us our due share in those appointments."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—" Sir, if I rise now it is to pour oil on troubled waters. I think in the administration of the Judicial Department, in so far as it is vested in the Government, there has arisen a suitable opportunity for Government to give a lead to the High Court. For we have been asked by this demand money for the administration of Civil Justice, for the appointment of nine temporary Sub-Judges and five temporary Munsifs. Apparently the appointment of Sub-Judges, whether temporary or permanent, is in the hands of Government. So far as the Government is concerned, it has set to itself an ideal to be found in the Government Order which has been issued on the 15th August 1922, superseding what was thought to be a very unsatisfactory Government Order on the same subject dated some day in September 1921.

" We hope, Sir that that Government Order will find a loyal acceptance on the part of the Government in the appointments

3-45 p.m. to be made. For, it is a Government Order which has emanated from the Government office—from the Cabinet itself.

Unlike district authorities who have been very careless in giving effect to that order, I hope the Government and the hon. the Law Member will strictly adhere to it. Here is an opportunity afforded, and I hope that no injustice will be done to the non-Brahmans in the matter of appointments. This will give an opportunity to the Government to adhere to its own proposals, and I hope they will give encouragement to these non-Brahmans in order that they may prove their fitness and stick on to the posts permanently and rise to still higher posts. By making selection on the principles laid down in the Government Order of 15th August, I hope Government will also give a lead to the High Court in the matter of the selection which it may make in respect of the five appointments which have been sanctioned to-day and also in respect of various other appointments which may be made from time to time. With these words, I would appeal to my friend, Mr. Natesa Mudaliyar, to withdraw the resolution trusting that the hon. the Law Member will look into the matter carefully, that he will not leave the matter in the stage

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in which Sir Lionel Davidson did, of merely forwarding the proceedings to the High Court and also trusting that time will see that everything is alright and that the new Law Member will see that the assurances given are really carried out by those upon whom it will devolve to carry them out."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, as I also have tabled a similar motion, I wish, to make a few observations on this motion. First of all I think that the office of the Registrar of the High Court need not always be held by an Indian Civil Service officer."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That is a listed appointment."

Mr. A. RANGANATHA MUDALIYAR :—" Yes; it is a matter which the Government may well consider and see if they cannot bring about a change. I do not know if the post of the Registrar of the High Court should be permitted to be held by one who is not a judicial officer or who has no previous judicial training. Again, I am told that this appointment was hitherto held by an officer of the grade of a Sub-Collector; now, it is held by an officer of a superior grade. Also, the Deputy Registrars and the Assistant Registrars are appointed directly. I do not know why they should not be recruited from the Provincial Service. Direct recruitment of these appointments causes a great deal of heart-burning among the officers of the Provincial Civil Service. That is one aspect which I want the hon. the Law Member to consider."

" Then, there is the appointment of the Sub-Assistant Registrar of the administrative department. That seems to me to be a superfluous appointment, and I do not know why this appointment should continue. If you want anybody to look after that work, the Head Clerk may do so and he may be called the Superintendent and entrusted with the work which the Sub-Assistant Registrar does."

" Coming to the question of Bench clerks, I cannot help thinking that their number is very large. There are as many as 26 of them. I do not know how the sitting of the courts are arranged. Even allowing 2 Bench clerks for each court, I think 12 Bench clerks should be sufficient, taking the courts to be 6. If there are a few more courts, we may have a few more Bench clerks. But the number, 26, seems to be too much for the number of courts sitting from day to day. The difficulty seems to me to be this. These clerks are recruited from people who know different vernaculars and there seems to be a confusion about the constitution and arrangement of these courts. The Judges will proceed first to take a case from the Telugu area and as soon as that is finished, they take up a case from the Tamil area."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" When this is done, the Bench clerk changes."

Mr. A. RANGANATHA MUDALIYAR :—" They do not know who may be called upon at a particular time, so that these clerks have to be in attendance always not knowing when their turn comes up. If, on the other hand, there is a previous arrangement of cases according to the language areas, I think the number of clerks may be considerably reduced."

Mr. V. P. PAKKIRISWAMI PILLAI :—" Sir, I wish to point out that the subordinate courts are also proceeding in the same way as the High Court is

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doing in the matter of appointments. The subordinate courts are giving the appointments to a particular class of persons and they are making them citadels of one section of people. For instance, I may bring to the notice of the House a matter which concerns only an amin. I put a question in this Council on 29th January 1923, namely :

Whether in spite of the Government Orders referred to above and G.O. No. 319, dated 8th April 1922, regarding the employment of military men in Government service, the District Judge has appointed an unpassed Brahman copyist of his court as permanent amin, exempting him from age bar and another Brahman outsider as a sub. *pro tem*. amin, overlooking the claims of several qualified non-Brahmans and military men serving in the department ; and whether the above Brahman copyist was once reverted from the post of amin for serious misconduct and an order passed that he was not fit for Government service ?

“ The answer to this is the characteristic :

The Government have no information.

When such is the case, I think we must express our opinion that the High Court should do communal justice for all people.”

Sriman BISWANATH DAS Mahasayo :—“ Sir, I fear that this drama is being cited and recited year after year in this stage. The judiciary, the executive and the legislature—three important factors—constitute the component parts of a state ; and it is in the interest of this very state itself that each of these three factors should be independent of the other. Well, the High Court is a body corporate which is independent and responsible to the people and to this Council for the proper administration of justice. We shall be doing, Sir, an injustice if we pass a vote of censure on the High Court in regard to the appointments when they are themselves responsible to this Council for the proper administration of justice. To my knowledge, the appointment of officers to the various posts is now under the direct control of the hon. Sir Justice Ayling. He is not a Brahman, and he is not an Indian ; as such, he has nothing to do with communal bias or any such thing. There is no reason to complain against anybody when Sir William Ayling is in charge of the portfolio and when no other Judge has anything to do with the appointments. Personally, I have a grievance. I may state that the Oriyas who form a very important factor in this Presidency, who numerically form a fourth of the population of this Presidency, are not properly represented in this department. But that is no reason why we should pass a vote of censure on the High Court. I would, therefore, appeal to the hon. mover of this motion to reconsider his position and take the advice offered to him by our hon. friend, Mr. Tanikachala Chettiyar, and withdraw his motion.”

Rao Bahadur C. NATESA MUDALIYAR :—“ Mr. President, Sir, I thank the hon. the Law Member for the sympathetic assurance he has given. As to the grievance of Sriman Biswanath Das, if Oriyas are not represented in the department, it is but right that they should be represented. The hon. the Law Member was telling us that the Letters Patent were amended or repealed. May I know, Sir, whether this particular chapter relating to appointments has been repealed ? If so, it is the duty of this Council and this Government to see that the original chapter is inserted once more. Till now, Sir, the resolutions of this Council have been treated with scant courtesy by the High Court. But I hope that now at least, under the regime of our democratic Executive Councillor, the new Law Member, things will be set right and he will set the example in respect of the vacancies existing just now.”

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, I do not propose to deal at length with the subject which has already excited considerable amount of comment. Now, in making my appeal to my hon. friend to withdraw his resolution, I would place before the House a few additional facts. It cannot be forgotten that the position of the High Court to-day is such that there can be some reliance placed upon the possibility of due attention being given to the claims of all communities.

"I shall first address myself to the remark which fell from my hon. friend, Mr. Palmer. It can be asserted, and asserted with considerable justice, that our distinguished countryman, who is one of the Judges of the High Court, Mr. Justice Devadoss will see that no glaring injustice or communal mistake of the kind depicted or imagined by my hon. friend occur in appointments or promotions. Similarly, may I also appeal to the Members of the House that there are more than one Judge who represent the great community on whose behalf and in justification of whose claim so much has been said to-day? I am only saying this for the purpose of assuring the Members of this House that the High Court, as at present constituted, is such that due advancement and recognition of the claims of all the communities may be expected from that Court. Therefore, this motion need not be pressed to a division.

"I go further. My hon. friend, Mr. Tanikachala Chettiyar, wanted to know whether the Government and the Member in charge of the particular portfolio to which this motion appertains will take note of the recent Government Order. As to that, my answer is simple and definite, namely, that no person has the right to take office who is not prepared loyally to abide by the resolutions of the Cabinet and the Government and this Council (hear, hear), and in so far as any resolution of the Government indicates certain definite principles on which I have to act I shall certainly act on them; and if any assurance is wanted, that assurance is now given.

"I shall now deal with the few remarks which fell from my hon. friend, Mr. A. Ranganatha Mudaliyar. He referred to the appointment of the Registrar. I may tell him that it is a listed appointment and therefore it may be left out of discussion to-day. As to the Bench clerks if he will pardon me, he is under a grievous error. If he only knows the strain the Bench clerks are put to, and the various duties that engage their attention and the amount of the detailed study of cases they have to go through in order to assist the Judges, he will wonder at the smallness of their number instead of at its excessiveness. With regard to the recruitment of Deputy and Assistant Registrars, his observations will have all possible attention.

"Now, turning to Mr. Usman Sahib, as regards the claims of his community to be represented on the High Court Bench, the Government in advising His Majesty will undoubtedly have advancement to the claim of every community for elevation. I do not wish to dilate on this matter, and I trust having regard to what I have said, my hon. friend will not press his motion."

Rao Bahadur C. NATESA MUDALIYAR :—"After hearing the very sympathetic speech of my hon. friend the Law Member, I shall withdraw my motion with great pleasure."

The motion was by leave withdrawn.

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MOTION No. 112.

Mr. T. ARUMAINATHA PILLAI :—"Sir, I move—

To reduce the allotment of Rs. 3,33,000 for Law Officers by Rs. 100.

Sir, if I move this resolution, it is not with any object of cutting down the allotment or passing a vote of censure on, or want of confidence in, the Government. I only wish to bring to the notice of the hon. the Law Member again what I said during the general discussion of the Budget. If you will look into the Budget, you will find that generally all the Law officers, except one or two, have got a permanent pay attached to their office and I wish to draw the attention of the hon. the Law Member to the question whether he cannot move to fix a permanent pay for the officers who get paid by commission and according to the number of cases attended to by them. When, on the last occasion, I referred to the case of the Official Assignee, he was good enough to point out to me the Town Insolvency Act, and he stated that it was a thing for the High Court to interfere. But acting on the same principle which has been laid down by the hon. the Law Member I will draw his attention to that very same Act and point out to him that the salary or the remuneration of the Official Assignee has to be determined by the rules of the High Court, which have to be finally sanctioned by the Government. I now ask him whether he will not advise the High Court to revise the scale of remuneration for the Official Assignee. On the last occasion, I pointed out that the Official Assignee drew a commission of Rs. 6,000 to Rs. 7,000 a month. An Attorney by the name of Wilson, now occupying the position of Official Assignee, stated in public print that the amount cited was wrong and that my statements were vexatious or something of that sort and that the Government did not care to attract my attention to the mis-statement. I will put it to the Law Member that the commission drawn by the Official Assignee for the year 1920-21 was Rs. 54,000, and for every year about Rs. 52,000 on an average, leaving out the commission which was drawn by the auctioneers; and putting the two things together, it comes to Rs. 6,000 per year. I ask the hon. the Law Member to bear this in mind and see whether he cannot induce the High Court to move for a revision of the rules and fix a permanent salary for the Official Assignee. Let not the Government, with its well-known pertinacity, come forward and say 'Apply to the High Court for such a thing'.

"As for the Public Prosecutor, I think it entirely lies in the hands of the hon. the Law Member. It was only to raise this point that I brought this motion and not for any want of confidence or vote of censure."

Mr. A. RANGANATHA MUDALIYAR :—"I have only one point to advert to in this connexion, and that is to ask the hon. the Law Member whether he cannot see his way to fix the pay of the Public Prosecutor. At present he gets Rs. 500 per mensem. His remuneration is Rs. 30 for each case he attends to. I am told he attends to as many as 15 or 20 cases in a day and his total emoluments go up to Rs. 3,000 or Rs. 4,000. I think this sort of system which permits an enormous amount of money to be drawn as remuneration has to be looked into. If the work is too much for one Public Prosecutor, he may be assisted by another. In that way there may be chance for an Indian also being appointed. In any case by a judicious allocation of work it is possible for one Public Prosecutor to

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attend to all such cases and at the same time for Government to save a good amount of money."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I must say that I was prepared for some criticism upon this allotment for Law officers on the argument as to why such a large amount was required long after the close of the Mafabar rebellion. But I see that both the hon. gentlemen who have spoken have addressed themselves to the question of Official Assignee and Public Prosecutor.

" Now, as to the Official Assignee, there is something to be said on both sides. So far as his work is concerned, it is very varied and extensive. He is not only an Official Receiver but he is also to a certain extent a judicial officer. It may be that in particular years he gets a large commission where large bankruptcies have happened; but in other years it is quite possible that he gets a comparatively smaller amount. I am myself aware that years previous Official Assignees were getting a very much smaller amount. The slump in trade and various causes, such as the insolvency of Arbuthnot, have led to this large income. But the matter cannot be disposed of offhand like that, and all I can do is to forward this debate to the High Court and ask them to consider the whole question.

" As to the Public Prosecutor, the matter stands thus: he has to attend to a tremendous number of cases, and practically, it would be correct to say, he has to abandon other private practice. The very figure suggested by my hon. friend, Mr. Ranganatha Mudaliyar, Rs. 3,000 or Rs. 4,000 a month, furnishes its own answer. I do not think he will get such a large sum. Besides, it has to be remembered that in these matters you cannot get first-rate men to give up their practice and be content with the appointment for anything under Rs. 2,500 or Rs. 3,000. It is for your earnest consideration whether the alternative is worth pursuing. But I shall take note of what has fallen from my hon. friend and, if I can, I shall move in the matter; but I do not propose to make any promise now."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I wish that this matter may be looked at from another point of view as well. In the Budget it is given that the pay of the Government Pleader is Rs. 350 a month while that of the Public Prosecutor is Rs. 500."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That matter is already engaging the attention of the Government."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I do not propose to pursue the matter."

Mr. T. ARUMAINATHA PILLAI :—" I do not press my motion, Sir, after the assurance of the hon. the Law Member."

The motion was by leave withdrawn.

MOTION No. 113.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I move—

To omit the allotment of Rs. 18,000 for temporary Additional Sessions Judge, Coimbatore.

Sir, the Court has been abolished with effect from the 1st of this month. So, I think the provision made in the Budget may go."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I would ask my hon. friend not to press the motion because it is quite true that that court has been abolished ; but, as has been pointed out, during the last sixteen years, the District Judge has continuously had the help of an Assistant or Additional Sessions Judge. Recently, no doubt, the District Judge reported that there was decrease in the work and recommended the closure of the court and the Government have accepted the recommendation. It will take effect now. The Sessions Judge says there is no necessity for it at present, but it may at any time, having regard to the amount of criminal work, have to be created again. But my hon. friend may rest assured that that court will not be restored unless there is urgent and imperative necessity for it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" My difficulty is this. The permanent Sub-Judge of Coimbatore is also Assistant Sessions Judge. He is always Assistant Sessions Judge, and ordinarily the work can be carried on by the District Judge. If this provision is retained in the Budget, the only result will be that the District Judge will be asking for the Additional Judge always. We think he is quite unnecessary, and he the Additional Judge is necessitated not by the accumulation of work but by other considerations. This has been the feeling in the district. If you retain this provision, I am certain, Sir, that the District Judge will, seeking to have leisure, recommend the establishment of the court, and therefore I request the hon. the Law Member to reconsider the matter and agree to the abolition of this item in the Budget. I will request him to reconsider the matter and agree to the deletion of this item from the Budget. As a matter of fact there will be no necessity for it for at least six months for the court will be closed and after the reopening we cannot now foresee what the position will be. If there is any necessity for it, the necessity may arise six months hence. Then the hon. the Law Member may come to the House and ask for a supplementary grant. I do not see any difficulty in such a course."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I was going to mention exactly the same reasons urged by my hon. friend, Mr. Ramalinga Chettiyar. I would submit for the consideration of my hon. friend, Mr. Ramaswami Ayyar, that the best course would be to omit it in the Budget and come with a supplementary demand when the necessity actually arises. That will give us the opportunity of examining the necessity for such a court. If the allotment is allowed to stand it would be competent for my hon. friend to open a court at any time when it appears to him that a necessity has been made out. We are aware that when there is such a provision the District Judge who wishes to have relief or thinks that he has much work will ask for a court, will make out a case for it and the matter would not be open for examination by this House. I therefore think the better course will be to omit the allotment now and move for a supplementary grant when the necessity arises."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" After hearing two hon. Members who have spoken, I shall have very few words to say in reply. I want my hon. friends to realize that it will be necessary for me to have these courts if the state of work demands it. I realize in the first place that the Sub-Judge of Coimbatore exercises the powers of an Assistant Sessions Judge. I also realize that for some months the court will be closed. But the district of Coimbatore is such that criminal work might increase at any

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moment. If I now agree to the deletion of this item, I may possibly have to come to the House with a supplementary demand in regard to this matter."

The motion was put and carried.

MOTION No. 114.

Mr. P. T. RAJAN :—"Sir, the motion that stands in my name reads—

To reduce the allotment of Rs. 70,200 for temporary sub-judges by Rs. 64,350.

Sir, I should like to know whether this provision is for temporary sub-judges already appointed or for those who are to be appointed in future."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"For both."

Mr. P. T. RAJAN :—"If so, I wish to know how many have been appointed, how many of them are non-Brahmans and how many Brahmans."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I prefer to make a statement at the end, Sir, after my hon. friend has finished."

Mr. P. T. RAJAN :—"I have finished, Sir. I wish to have the answer from the hon. Member."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The provision is entered in the Budget for the appointment of nine temporary sub-courts in order to relieve the congestion in pursuance of the recommendations of a very weighty committee that sat upon the whole matter. The arrears are such that there is no gainsaying the fact that an addition to the number of sub-courts is absolutely necessary. I have got the figures before me showing the amount of arrears in several courts. In Ramnad there are over 512 original suits pending, 334 suits over one year old and 1,538 appeals. In Kistna the figures are 580, 213 and 915, respectively, while in Tanjore West they are 262, 82 and 439, respectively. Again in Tanjore East there are 289 original suits pending, 128 more than one year old suits and 348 appeals. In Tinnevely the figures show 301, 142 and 2,430, respectively. These figures speak for themselves. It is not possible for me to say anything more definite as to recruitment or who are the temporary sub-judges appointed or likely to be appointed. But hon. Members will take it from me that the Government scrutinizes carefully and will continue to scrutinise all applications for appointment of temporary sub-courts in particular places and those will be appointed only for the period necessary to relieve the congestion and to bring down the arrears. It is realized by Government that the sub-judges cannot possibly do their current work efficiently if they have this load of arrears hanging over their heads. It is only keeping that point steadily in view that I propose to bring about this recruitment."

The motion was by leave withdrawn.

MOTION No. 115.

Rao Bahadur T. BALAJI RAO NAYUDU :—"I beg to move—

To reduce the allotment of Rs. 9,44,520 for district munsifs by Rs. 2,66,520.

It is not because that I am against the munsifs or the way in which the High Court are distributing the appointments that I move for this reduction. I proposed a similar reduction in the case of deputy collectors. My object

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is to see whether there is any chance of the time-scale of pay of the provincial officers being done away with. I want to know what the view of the Government is with regard to the newly introduced time-scale of these munsifs and the deputy collectors which costs us enormously each year. The pay as it now is ranges from Rs. 300 to 600. I wish that the scale is done away with in the case of all provincial officers and that we resort to the old system of grades keeping the minimum at Rs. 300 and decreasing the maximum salary a bit if possible."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, this allotment represents the provision for the pay of 153 permanent munsifs. The existing number has been found entirely inadequate to cope with the amount of work. My hon. friend on this motion raised the question of time-scale. It is a question to a certain extent complicated by what may be called a *fait accompli*. Though the Government will carefully note what has fallen from the hon. Member and investigate the matter it will yet be remembered that the question is extremely complicated in its character by reason of the vested rights which have accrued by the adoption of the time-scale. All that I can say at this juncture when incidentally this matter has been raised is that I take it that the Retrenchment Committee will consider that matter, and I think the Government will have to consider the matter having regard to the interests and rights of the parties involved."

The motion was by leave withdrawn.

MOTION No. 116.

Mr. M. NARAYANASWAMI REDDI :—"Sir I move—

To omit the allotment of Rs. 39,600 for temporary district munsifs.

The number of munsifs has risen from 144 to 153. We have therefore got nine more munsifs. I therefore think that temporary additional munsifs may be done away with and the provision may be omitted."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, I think there is a slight misapprehension. At this time last year there were 144 permanent and 24 temporary courts. Of the temporary courts nine were abolished and the same number we made permanent. In order to relieve congestion five more temporary courts came in. The budget provision has to be made for 153 permanent and 11 temporary munsifs. It seems to me that if hon. Members will pay advertence to the fact that practically at the rate at which the munsifs are going on, they have a minimum of 200 or 250 suits to be disposed of, they will see what the amount of work is. I have taken trouble to compile long statistics which I shall make public as to the exact state of business in the various courts. That discloses there is an appalling amount of arrears of suits over one year old and it seems to be impossible to get through the work unless we resolve to increase the number of courts keeping at the same time efficiency in view and insisting that disposals are speedy and expeditious. I trust my hon. friend will withdraw his motion."

The motion was by leave withdrawn.

MOTION No. 117.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir I move—

To reduce the allotment of Rs. 39,600 for temporary district munsifs by Rs. 100.

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Sir, I move for this reduction with a different object from that of my hon. friend who just withdrew his motion. We all see that so far as civil work is concerned it is going by leaps and bounds and if we want to avoid arrears, we must have enough munsifs and sub-judges. The question is whether there is no other way of dealing with the matter than by increasing the munsifs and sub-judges. Now that we have a new Law Member, I raise the question whether immediate steps could not be taken to invest bench courts with civil jurisdiction, whether the bench courts cannot be given powers to dispose of small causes suits up to Rs. 100 or Rs. 200. We know a large portion of the suits pending in the various courts are money suits of a comparatively small value. If these bench courts, at least first-class bench courts are given power to try suits of a small cause nature, a large number of the arrears can be disposed of and there will be no injustice done to anybody. The number of district munsifs can also be reduced. I had the curiosity to go to some munsifs' courts recently and I found that many of the so-called contested cases are bond suits where for some reason or other some plea is raised and the suits are classified under contested cases. I am sorry that among the one-year pending suits no distinction is made between money and land suits. A munsif is more anxious to show quantity rather than quality; he takes care to dispose a large number of arrears of only money suits leaving the arrears of land suits to accumulate. I am sorry, Sir, that all suits pending for three, four and five years come under one year old suits and the classification should be more complete. The munsifs are anxious to dispose of easy cases while they are not inclined to take up five-year old cases. For, the delay extending over five years is taken to his debit. This is the reason why short-pending disputes are disposed of earlier than the long-pending ones. For when a five-year old suit is disposed of its whole life is taken into account, and he will have to answer the delay over five years. Thus new suits are easily disposed of and long-pending suits are left in arrears. These are points which may be taken into consideration in reducing the number of courts. If only my suggestion to give more powers to bench courts and panchayat courts be accepted, it will be a satisfactory way of dealing with the arrears and will lead to economy as well."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, one of the numerous valuable suggestions that have fallen from the lips of the hon. mover is the complete readjustment of judicial machinery so far as petty suits are concerned. I do not think I would be doing justice to my hon. friend if I give an answer offhand on that matter which is undoubtedly a complicated and important one.

"But so far as other matters are concerned, I am afraid he forgets that one of the functions of the district judges and the High Court is to look into all these matters about which he has complained. I take it that it is not quite so easy for a district munsif to dispose of a number of promissory-note suits and then lay credit for expeditious disposal, keeping on hand land suits pending for long time. These things are within the competence and powers of the High Court who will look into them and I do not think it is necessary for us to go any more into them. I may say, however, that the supervising officers will bear the remarks that fell from my hon. friend in mind and see that the arrears are reduced as far as possible."

4-30 p.m.

[15th March 1923]

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I was speaking from the point of view of the supervising officers as well as of the public. We know what the supervision done by the district judges is, but what I want is that definite rules may be framed giving effect to the principle urged by me, and I hope that such rules will be made.”

The motion was by leave withdrawn.

MOTION No. 118.

Mr. B. MUNISWAMI NAYUDU :—“ Sir, I beg to move the motion standing against my name, which is as follows :—

To reduce the allotment of Rs. 63,312 for sarishtadars by Rs. 100.

Sir, I thought that this motion would be unnecessary, and I expected the hon. the Law Member would say something on this matter when speaking on the other motion. Sir, in the pre-Reform days a resolution was moved by the hon. Mr. Venkatapathiraju that the sarishtadars and other head ministerial officers should be transferred once in three years. That resolution was accepted by the Government, but it was not given effect to with regard to the sarishtadars of the district courts. I tabled a resolution on the subject, but unfortunately it was not reached. At the time of the last Budget, I moved a motion similar to this, that the salary allotment of the sarishtadars should be reduced by Rs. 100. Here is what the then hon. the Law Member Sir K. Srinivasa Ayyangar said on that motion :

I may mention for the information of my hon. friend the mover and also for the information of other hon. Members that we have, if I remember right, more than once drawn the attention of the High Court to the desire expressed in this Council that the district court sarishtadars should be transferred once in three years. I may say at once that I shall be glad indeed to send this discussion also to the High Court and also take other steps that may be necessary. The House knows that we have no direct control over the sarishtadars and that we have no right to transfer them. We can only address the High Court and I shall do so again in regard to this matter.

“ I then said, Sir, that I certainly sympathized with the hon. the then Law Member when he said that he had no control over district court sarishtadars. Now, I want to know, Sir, what the High Court have done in the matter whether they acted up to the expressed desire of this Council or whether, as they were doing before, they are simply setting at naught and ignoring whatever opinion might be expressed by this Council. This is the point on which I expect the hon. the Law Member to enlighten me.

“ The next point I would urge is with regard to a case where a District Judge appointed a sarishtadar giving effect to the principle of the Government Order regarding communal representation and on appeal the High Court said that that Government Order was not binding on the High Court and Subordinate Courts under it. I referred to this matter in my speech on the motion for reduction of Rs. 100 from the allotment for the High Court, but the hon. the Law Member has not referred to it at all in his reply to that motion. I hope he will state now what he proposes to do with respect to this matter regarding this appointment. Then I will say whether I press this motion or withdraw it.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Sir, it would be as well by way of a preliminary to further discussion to keep in mind the provisions of the Civil Courts Act under which the ministerial officers of the district

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courts are appointed, suspended or removed by the judges of such courts whose orders shall subject to the control of the High Court be final. Section 23 of the same Act says that the ministerial officers of courts of subordinate judges and district munsifs shall be appointed by such subordinate judges and district munsifs respectively subject to the approval or confirmation by the district judge within whose jurisdiction such courts are situate, and may subject to the control of the High Court be suspended or removed from office either by the said district judge or (subject to his approval or confirmation) by such subordinate judges and district munsifs respectively. Having regard to these provisions it will be seen what exactly was the significance of the answer given by my predecessor in office with whom I was glad to hear that my hon. friend the mover said he sympathised."

Mr. B. MUNISWAMI NAYUDU :—"I said I sympathised, not with answer given, but with the helplessness of the then Law Member" (laughter.)

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I think both are practically synonymous. I may, however, for the information of the hon. Member refer to what has been done on this matter. The High Court was addressed with regard to the periodical transfer of sarishtadars, and they have replied to the effect that they were effecting such transfers in all necessary cases. I may also mention that quite recently demi-official communications have gone to the High Court on matters akin to this. Now with regard to the general question, I have only a few observations to make. There are certain practical matters to be kept in view. Every one recognises, and I for one certainly recognise, and shall as far as I can, act upon that principle, that sarishtadars against whom complaints arise with regard to the discharge of their duties should be transferred and I recognise the inadvisability of their being permanent fixtures. They should be periodically transferred to other places. But such transfers involve this difficulty, that very often you cannot find a substitute who is efficient or with regard to whose qualification the district judge is satisfied. All these adjustments and readjustments take some time and the result is that these adjustments and readjustments have not taken place in such a manner as would command popular approval. I submit that the best results could be achieved by sending the result of this discussion to the High Court and suggesting to them as far as possible to act up to the principle which we have in view."

Mr. B. MUNISWAMI NAYUDU :—"Sir, I am really in a difficult position with regard to this motion. I said already that resolutions and motions have been passed in this Council and communicated to the High Court. The hon. the Law Member said that he was unable to go any further on the question. I thought, Sir, that a better reply would come from the present Law Member, but he has given the same reply stating that the view of the Council would be communicated to the High Court. He has also referred to section 23 of the Civil Courts Act. That is exactly our complaint, namely, that these authorities are not amenable to the local opinion, that they say 'We do not care what the Council says or does. Neither the Council nor the Law Member can press their decisions upon our discretion.' What we do say is that the sooner the law is amended the better, and I do hope that the hon. the Law Member would take steps to see that the power is vested in him or the Government or whatever it may be and that the matter worked out in a way satisfactory to the people, in the matter of transfers, etc.

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“As I said on a previous motion, the power of the High Court with regard to these appointments should also be considered, and I do hope that the hon. the Law Member would take up that matter seriously in hand. We feel that the sooner this power is taken out of the High Court the better it would be for the people. The principle of communal representation enunciated in the Government Order should be given effect to by the High Court, and I hope that the hon. the Law Member would give an assurance on that matter, and unless such assurance is forthcoming I am afraid I must press my motion as a last resort. The hon. the Law Member says he is unable to do anything more. We pass resolutions, and every time the proceedings are communicated to the High Court, but with no effect.

“So far as my district is concerned, I may point out that continuing the present sarishtadar, who has been there for over 12 years, is anything but desirable. I may also state for the information of the hon. the Law Member that one of our previous sarishtadars was murdered in broad daylight because he was unpopular, and one of our nazirs was openly attacked in the public street by some amins. That is the state of the feeling existing between the head ministerial officers and others, and their subordinates. My only complaint is that we can only express our opinions or wishes in this House, but the High Court does not care to carry them out.

“I already said that as to the Government Order regarding communal representation, the High Court said that they did not care anything about it, with regard to the appointment of a sarishtadar of a sub-court. The High Court has to come before this House for grants of money for its expenditure, and it is this House that passes the grants, and the High Court Judges should know that they should act up to the policy that is laid down by this House which passes their demands for grants. In these circumstances, I do hope that the hon. the Law Member would give an encouraging reply with reference to the above points.”

Diwan Bahadur P. KESAVA PILLAI:—“Sir, I would say only one word. I sympathise with my hon. friend the mover in his grievance, but I am really surprised at his stating and re-stating that the High Court should be deprived of its powers over appointments, etc. We have been always contending that the High Court should be empowered to appoint magistrates also just as they appoint district munsifs. That has been our contention, the contention of the Congress. We have been urging time after time the separation of executive and judicial functions (*A voice* ‘This is the twentieth century!’). I hope it will be upheld in the twentieth century, namely, the principle that in the judicial appointments the judicial authorities should have the power. I simply say that this deprivation of the High Court of the powers of appointment, etc., does not commend itself to me, a nineteenth century man. Of course the executive should have some powers, but I am not for depriving the High Court of powers altogether. It would be rather casting reflections on the High Court.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“Mr. President, Sir, the circumstance that was brought to light in the discussions of 4-45 p.m. to-day that a certain sarishtadar continued to be in office for twelve years and his continuance in office was not acceptable to the locality is a circumstance which will undoubtedly be brought to the direct notice of the High Court as a result of this discussion, and I take it that the High

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Court realizes as much as the hon. Member does that it is asking for grants from this House, and I think that the High Court also realizes that it has certain powers, and responsibilities and duties which it has to discharge. Will not the hon. Member after having said these particular matters give time both to me and to the High Court to see what are the actual matters on which he has complained and to see if any redress is possible, if there is any real grievance? I submit that we cannot by forcing the issue or by prejudging the question come to a decision on a matter on which something may be said on both sides. I however undertake that these specific matters which have been brought to the notice of the Council will be carefully investigated.

"Then, there is the larger question which he raised, namely, the assumption by Government of certain powers and functions now vested in the High Court. That I hope my hon. friend will realise is a very large question involving points of very great importance. It is a matter on which I can give no undertaking, or no promise, save this that I will consider the suggestion of the hon. Member with that care which any suggestion emanating from any hon. Member of this House always will have."

The motion was put and lost.

Mr. B. Muniswami Nayudu demanded a poll which was taken with the following result:—

Ayes.

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|---|---------------------------------------|
| 1. Diwan Bahadur C. Arunachala Mudaliyar. | 8. Rao Bahadur C. Natesa Mudaliyar. |
| 2. Rao Bahadur P. C. Etirajulu Nayudu. | 9. Mr. V. P. Pakkiriswami Pillai. |
| 3. " O. Tanikachala Chettiyar. | 10. " P. T. Rajan. |
| 4. Mr. W. Vijayaraghava Mudaliyar. | 11. " W. P. A. Saundara Pandia Nadar. |
| 5. " B. Muniswami Nayudu. | 12. " R. K. Shanmukham Chettiyar. |
| 6. " A. T. Muttukumaraswami Chettiyar. | 13. " K. Sitarama Reddi. |
| 7. " M. Narayanaswami Reddi. | 14. " A. T. Palmer. |

Noes.

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| 1. The hon. Sir Charles Toddhunter. | 18. Rao Bahadur C. V. S. Narasimharaju. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib. | 19. Mr. C. V. Venkataramana Ayyangar. |
| 3. The Raja of Panagal. | 20. " M. Suryanarayana. |
| 4. The hon. Rai Bahadur K. Venkatarreddi Nayudu. | 21. Rai Bahadur T. M. Narasimhaachari. |
| 5. " Rao Bahadur A. P. Patro. | 22. Sriman Sasibhushan Rath Mahasayo. |
| 6. " Mr. C. P. Ramaswami Ayyar. | 23. Mr. R. Srinivasa Ayyangar. |
| 7. Mr. E. S. Lloyd. | 24. " T. C. Srinivasa Ayyangar. |
| 8. " C. Madhavan Nayar. | 25. " M. R. Seturatnam Ayyar. |
| 9. " R. D. Richmond. | 26. " S. Arpudaswami Udayar. |
| 10. " E. F. Thomas. | 27. " A. Ranganatha Mudaliyar. |
| 11. " E. Periyannayagam. | 28. " T. Sivasankaram Pillai. |
| 12. Rao Bahadur T. C. Tangavelu Pillai. | 29. " C. R. T. Congreve. |
| 13. Mr. S. T. Shanmukham Pillai. | 30. Khan Bahadur Muhammad Sadulla Badiha Sahib. |
| 14. " M. Appalanarasayya Nayudu. | 31. Mr. L. C. Guruswami. |
| 15. Diwan Bahadur P. Kesava Pillai. | 32. " G. Vandanam. |
| 16. " M. Ramachandra Rao Pantulu. | 33. " A. M. MacDougall. |
| 17. " L. A. Govindaraghava Ayyar. | 34. Rao Bahadur T. Namburumal Chettiyar. |

Neutral.

- | | |
|--|---|
| 1. Mr. A. Ramaswami Mudaliyar. | 6. Mr. J. Kuppuswami. |
| 2. " K. Adinarayana Reddi. | 7. Rao Bahadur A. Ramayya Panja. |
| 3. Diwan Bahadur Sir P. Tyagaraya Chettiyar. | 8. Mr. K. Sarabha Reddi. |
| 4. Rao Bahadur T. Balaji Rao Nayudu. | 9. " P. Subbarayan. |
| 5. Diwan Bahadur M. Krishnan Nayar. | 10. Diwan Bahadur K. Suryanarayanamurti Nayudu. |

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Neutral—cont.

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| 11. Mr. V. C. Vellingiri Goundar. | 16. Rai Sahib E. C. M. Mascarenhas. |
| 12. Rao Bahadur C. Venkataranga Reddi. | 17. Mr. K. Prabhakaran Tampan. |
| 13. „ A. S. Krishna Rao Pantulu. | 18. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 14. Diwan Bahadur R. Venkataratnam Nayudu. | 19. Rao Sahib P. Venkatarangayya. |
| 15. Mr. S. Muttumanikkachari. | |

Fourteen hon. Members voted *for* and 34 *against* the motion, 19 remaining *neutral*.

The motion was lost.

MOTION No. 119.

Mr. B. MUNISWAMI NAYUDU :—“ Sir I move—

To reduce the allotment of Rs. 17,679 (300 plus 60 plus 17,319) for village munsifs' courts establishment by Rs. 100.

I do so with a view to elicit information from the hon. the Law Member with regard to a number of village courts established under the Village Courts (Amendment) Act in the various districts. These courts have been asked to dispose of civil litigation and litigation of criminal nature. But they have not been provided with any establishment at all, nor are any stationery charges or contingent charges allowed to them, and yet they are asked to dispose of suits. They cannot even levy a small fee of one anna from the parties in each case, and it is not possible for the presidents of these village courts to attend to both civil and criminal suits in any satisfactory manner at all. We non-official members have always been clamouring that these village courts should be enabled to dispose of petty suits. But in the absence of these facilities they are not able to carry on any work. I hope the hon. the Law Member will provide some amount for the purpose of helping these village courts to get on with the work.

“ Secondly, if that is not possible, legislation may be made or rules may be framed authorizing the levy of a small fee on the plaints and complaints presented before them with which they can meet the expenses incidental to their work.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, I quite realize the importance of the remarks that fell from the hon. Member, and I may say that Government will try to see what can be done to remedy the situation.”

Mr. Muniswami Nayudu did not press his motion, and it was by leave withdrawn.

Motion No. 120.

Mr. S. ARPUDASWAMI UDAYAR :—“ Sir, I move—

To reduce the allotment of Rs. 35,93,727 for Civil and Sessions Courts by Rs. 1,00,000.

My object in moving this reduction is to put a check to the tendency there is of opening too many temporary sub-courts and temporary munsifs'

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courts. This year provision is made for the institution of nine temporary sub-courts and five temporary munsifs' courts, and the hon. the Law Member has told us that the real reason for setting up these courts is congestion of work. On that point I am sceptical. I do not think there is real congestion of work. I had occasion to go through certain figures which show that there has been a steady decrease of suits. There was a decrease in 1920-21 and I find the same for 1921-22. The total number of suits instituted in the year 1921 was 496,244 against 496,433 in 1920 and 511,029 in 1919. Again, Sir, the number of appeals preferred in 1921 was 15,806 or 771 less than the previous year. In the district munsifs' courts except those in the Agency tracts 113,416 suits were instituted in 1921 against 119,550 suits in 1920 and 123,164 in 1919. The figure for 1919 was the highest on record and the figure for the current year is 1,131 less than the figure for 1912. Attempts are also made in the Administration Report to account for this decrease. Thus we read 'owing to the rebellion in South Malabar there was a fall of 3,000 original suits in that district alone' while Gōdāvari shows a decrease of over 1,400 and Guntūr a fall of over 2,200. Otherwise, the decrease, it is said, is on the whole evenly distributed over the districts. The fall in the institution of suits in Gōdāvari and Guntūr is largely due, we are told, to the influence of non-co-operators. The adjoining district of Kistna also shows a fall of 700 suits. It is true, Sir, as regards the numbers of suits instituted in the year in sub-courts we have a slight increase, viz., 3,500 against 2,940 in 1920 and 2,754 in 1919. That there has been a steady decrease of suits is however very clear. At the same time, we are told that arrears have to be disposed of. And even as regards these arrears it would seem that with a better and fuller utilization of the office hours and with a better inspection of work and with greater application, it is possible to dispose of those arrears much more quickly than at present. Mention is made in the report of some judicial officers who show greater despatch in the clearance of cases; others are slow. Therefore what is required is proper distribution of work and a uniform method of clearance. It is said 'the pendency of the suits has decreased from 13,400 in 1920 to 10,378 in 1921, the decrease being chiefly in Gōdāvari and Nellore'. And again, Ganjam shows the highest figure for uncontested suits. At the other end of the scale, you have Anantapur which shows a very great disposal of contested suits with an average of 19 days for the disposal of 30 suits, North Arcot 23 days for 34 suits and Guntūr 34 days for 35 suits. Moreover, the decrease in the number of suits instituted affords some slight relief—allows some time for the disposal of arrears.

"Now, Sir, as the hon. Member, Mr. Krishna Rao, pointed out in connexion with another resolution, if we have a temporary court constituted, there is always the tendency for that court to be more or less a permanent court and secondly somehow work will be found for it as it is inhuman for things to go on as they are. I am only a layman and I cannot pretend to much special knowledge of the matter. It is open to the hon. the Law Member to make an investigation. I can only say here what has been told to me by my constituents, that even of the two courts in Tanjore there is hardly work for the Negapatam court. That this is a matter for investigation I have no manner of doubt whatever. It is quite possible to dispose of the suits more quickly if you have judges like the judges and sub-judges

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and munsifs who are spoken of as having very quickly disposed of cases and if we have some better inspection and if some sort of co-ordination, some sort of uniformity is adopted with regard to the disposal of suits. I cannot understand the idea behind the policy of setting up temporary sub-courts and temporary munsifs' courts. I think the time has come for us, especially in the present financial stringency, to cry halt and to carry out an investigation to see whether a real case has been made out and whether there is actual necessity for setting up all these temporary courts. It is with this object, Sir, that I move this motion for reduction."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, since the hon.

5 p.m.

mover of this motion has referred to the speech made by me on the last occasion, I think it my duty to place before the hon. the Law Member certain facts which arise for consideration at the present moment. At present there is a tendency to increase the number of courts in the presidency, though they are called temporary courts. This state of things ought not to be countenanced except under special circumstances. We have been told that for the purpose of removing the congestion of work in the various courts it is proposed to establish temporary courts with the hope that the congestion of work would be removed and later on the work will be made lighter. I am led to think that there is a great illusion about the pendency and about the method of disposal of suits. Though in the beginning the state of work is normal, there is always the tendency later on to increase the number of courts so as to lighten the work of the judges for the time being. At the time when temporary courts were opened there was a feeling in the minds of the public and the bar that after all there would not be enough work for a temporary court. I shall refer to the temporary sub-court at Nellore. At the time when the temporary sub-court was started there was keen difference of opinion between the members of the bar and the Bench as to the necessity for the establishment of a temporary sub-court. However a temporary court was established and it has justified its existence, for, the state of arrears continued as before. The arrears have again accumulated with the result that last year not only a temporary court, but an additional temporary court was established. I raised this question even last year when this matter came up for consideration. I pointed out that there may be work enough for a single temporary court but not for an additional temporary court. If the hon. the Law Member sanctions these courts by merely taking the figures in the hope that the congestion would be removed soon, then I may inform him that he will be disappointed later on. The state of arrears will always remain the same even after the establishment of temporary courts. The Judges would then make applications with the recommendations of the High Court for the establishment of more temporary courts. I think the hon. the Law Member will do well to re-examine the whole question and see whether there is any real necessity for the addition of the temporary courts and whether they would really carry out the purpose for which they are intended, namely, the clearing of the congestion. I do not believe in the theory that arrears could be cleared only by the establishment of temporary courts. There is also the danger of all these courts continuing indefinitely for a long period without any appreciable fall in the arrears. I am surprised that a provision is made in the budget for the continuance of the sub-court at Nellore for a long period. The late Law Member visited Nellore shortly before he resigned his office

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and he had a discussion with the local officials and non-officials and I had the opportunity of being present at the discussion. Some statistics were shown to the hon. Member and on scrutinizing the same he came to the conclusion that there was necessity for the continuance of the temporary sub-court though not for a long period. But I may inform the present Law Member that myself personally and the litigant public are against the continuance of the second temporary sub-court. I hope that the hon. the Law Member will not sanction the continuance of the second temporary sub-court for an indefinitely long period. I am not making any definite statement, but from what transpired we had reason to believe that the second court would not be continued long. But in the budget we find that there is a great chance of its continuance for one year longer. I wish the hon. the Law Member goes carefully into all the figures before he sanctions these courts. ”

The House then adjourned at 5-10 p.m. to meet at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.



